

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION  
DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979  
DA 14/2579**

**TO:**

Fabcot Pty Ltd (C\)- The Planning Group NSW  
PO Box 1612  
NORTH SYDNEY NSW 2059

**being the applicant(s) for DA14/2579 relating to:**

Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway,  
Bomaderry

**APPROVED USE AND OR DEVELOPMENT:**

**Demolition of existing structures, bulk earthworks, construction of a retail development (containing two retail tenancies including a Woolworths supermarket and separate bulky goods tenancy), associated onsite car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve.**

**DETERMINATION DATE:**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting development consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 95 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS**

The conditions of consent and reasons for such conditions are set out as follows:

## **PART A**

### **CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT**

#### **General**

- This consent relates to the **demolition of existing structures, bulk earthworks, construction of a retail development (containing two retail tenancies including a Woolworths supermarket and separate bulky goods tenancy), associated onsite car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

A copy of the approved suite of drawings and this consent must be held on site for the duration of the project in conjunction with any issued Construction Certificate drawings.

<b>DOCUMENT</b>	<b>PREPARED BY</b>	<b>REF/SHEET NO.</b>	<b>DATED</b>
Cover & Site Analysis Plan	Nordon Jago Architects	DA00-R	10.02.16
Floor Plan	Nordon Jago Architects	DA01W Rev W	29.09.15
Elevations, Sections & Finishes Schedule		DA02-L	10.02.16
Shadow Diagram Analysis	Nordon Jago Architects	DA04F Rev F	11.08.15
Signage	Nordon Jago Architects	DA05G Rev G	29.09.15
Car Parking Plan	Nordon Jago Architects	DA07-I	9.10.15
Landscape Architectural Details and Plant Schedule	Elke Haege Landscape Architects	1049_b, L_101G	16.07.15
Landscape Architectural Details and Plant Schedule	Elke Haege Landscape Architects	1049_b, L_101B	23.06.15
Loading Dock Management Plan	Woolworths Limited	Appendix D: Loading Dock Management Plan	Woolworths Limited
Response to Traffic Matters	Colston Budd Hunt & Kafes Pty Ltd	TR/9521/jj	6.10.15
Response to Traffic Matters	Colston Budd Hunt & Kafes Pty Ltd	TR/9521/jj	9.02.16
Concept Sewer Diagram	Jones Nicholson Consulting Engineers	141009 C04-4	14.10.15
Stormwater Drainage Plan	Jones Nicholson Consulting Engineers	141009 C02-7	9.2.16

Minutes - Ordinary Meeting - 24 May 2016 - MIN16.421

Stormwater Drainage Details	Jones Nicholson Consulting Engineers	141009 C03-4	9.2.16
CIVIL DESIGN CONCEPT SEWER DIAGRAM	Jones Nicholson Consulting Engineers	141009 C04-4	9.2.16
Civil Design Carpark Plan	Jones Nicholson Consulting Engineers	141009 C05-1	9.2.16
Civil Design Bikepath Plan	Jones Nicholson Consulting Engineers	141009 C06-1	9.2.16
Princes Hwy Access Plan and Longitudinal Sections	Jones Nicholson Consulting Engineers	141009 C10-4	9.2.16
Princes Hwy Access Cross-Sections	Jones Nicholson Consulting Engineers	141009 C11-1	9.2.16
Princes Hwy Access SISD	Jones Nicholson Consulting Engineers	141009 C12-1	9.10.15
Princes Hwy Access Signage	Jones Nicholson Consulting Engineers	C13-2	9.2.16
Cambewarra Rd Intersection Plan	Jones Nicholson Consulting Engineers	141009 C20-3	25.1.16
Cambewarra Rd Longitudinal Sections	Jones Nicholson Consulting Engineers	141009 C21-1	8.07.15
Cambewarra Rd LS3 Cross-Sections	Jones Nicholson Consulting Engineers	141009 C22-1	8.07.15
Cambewarra Rd LS4 Cross-Sections	Jones Nicholson Consulting Engineers	141009 C23-2	9.2.16
Cambewarra Rd Intersection Signage Plan	Jones Nicholson Consulting Engineers	141009 C24-2	9.2.16
Environmental Site Management Details Sheet 1	Jones Nicholson Consulting Engineers	ESM2-1	10.12.14
Environmental Site Management Details Sheet 2	Jones Nicholson Consulting Engineers	ESM3-1	10.12.14
Environmental Site Management Plan	Jones Nicholson Consulting Engineers	ESM1-2	9.2.16
Addendum to Statement Of Environmental Effects	TPG	214.185L1	8.10.15
Waste Minimisation and Management Plan	TPG Town Planning and Urban Design	214.185WNP	December 2014

Crime Prevention through Environmental Design Report	TPG Town Planning and Urban Design	214.185CPTED	December 2014
Arborist Report	Elke Haege Landscape Architects	1409_A	9.12.14
Archaeological Assessment	Mary Dallas Consulting Archaeologists	-	17.12.14
Interim Site Audit Advice	Enviroview Pty Ltd	0301-1417AA01	18.12.14
Remedial Action Plan	Earth 2 Water Environmental & Groundwater Consulting	E2W-0232(DR001-v1)	26.11.14
Acoustic Report	Revers Acoustics Noise and Vibration Consultants	14-1746-R1	November 2014
Access Report	MGAC Morris Goding Accessibility Consulting	Rev1	16.12.14
Flora and Fauna Assessment	Cumberland Ecology		27.11.14
Geotechnical Report	JK Geotechnics	27767Lrpt	17.10.14
BCA Report	Steve Watson & Partners	2014/1674	15.12.14

**Notes:**

- *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, must be carried out without the prior approval of Council.*
  - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions will prevail to the extent of that inconsistency.*
2. The use of the approved development/use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council.

**Occupation Certificate**

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

**Note:**

- Refer to Part E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) of this development consent for additional requirements in relation to the above condition.

## **PART B**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE**

#### ***Principal Certifying Authority / Construction Certificate / Notice of Commencement / Supervision of Works***

4. The following must be undertaken prior to the commencement of any works:
  - a) A Principal Certifying Authority (PCA) must be appointed;
  - b) A Construction Certificate must be obtained from the PCA;
  - c) Notice must be given to Council at least two (2) days prior to the commencement of any works; and
  - d) Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance. The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor. The supervisor will be required to verify the works have been completed in accordance with the design and specification.

#### ***Sign – Supervisor Contact Details***

5. Prior to the commencement of any works a sign must be erected in a prominent position on the site on which the work is being carried out:
  - a) Showing the name, address, accreditation number and telephone number of the Principal Certifying Authority for the work;
  - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

### ***Builders' Toilet***

6. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Shoalhaven City Council.

### ***Existing Services/Damage to Public Assets (Dilapidation Report)***

7. Prior to the commencement of any works, the developer or their agent must:
  - a) Check that the proposed works are not affected by or do not affect any Roads and Maritime Services (RMS), Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense; and
  - b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of works (i.e. the adjoining/adjacent road reserve area). **A copy of the inspection documentation is to be provided to Council prior to the commencement of any works.** This document should include photographic material depicting the condition of the assets. Any damage to the existing kerb and gutter, road pavements, reserves or any other public infrastructure that occurs during development works must be repaired by the developer at cost to the developer. Restoration must be to the satisfaction of Council.

### ***Soil and Water Management***

8. The approved sedimentation and erosion controls required by this consent must be implemented, inspected and approved by an accredited certifier **prior to commencement of any work.**

### ***Fencing***

9. **Prior to the commencement of any works** and during construction, the building site is to be fenced (in accordance with Workcover requirements), with a fence suitable to keep members of the public and unauthorised people out.

### ***Earthworks***

10. Documentation from the supplier of any fill to be used on the development site that certifies that imported fill material is not contaminated based on analyses of the material must be provided to Shoalhaven City Council prior to placing fill on the site. ,Sampling and analysis of the imported fill material must be conducted in accordance with the Environment Protection Authority (EPA) Sampling Design Guidelines.

***Soil Removal/Disposal of Excavated Material***

11. All soil and/or fill removed from the site must be classified in accordance with the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-Liquid Wastes prior to removal from the site. All soil and/or fill removed from the site must be disposed of at an appropriate licensed waste depot or other site approved to accept soil and/or fill to the satisfaction of Council's. Copies of receipts confirming disposal at a licensed waste depot or other approved site must be provided to Council with the validation report which must be submitted to council at the completion of the relevant earthworks.

***Supervision of Works***

12. Prior to the commencement of works (at least 2 days prior ) Council and the RMS must be advised in writing of the name and 24hour contact number of the designated person/company nominated by the developer to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance. The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor. The supervisor will be required to verify the works have been completed in accordance with the design and specification.

***Construction Management Plan (Traffic & Parking)***

13. Details of the proposed method of dealing with construction traffic are to be submitted to the RMS and Council for approval prior to the commencement of any works on the site and a copy of the approval/letter issued by the RMS submitted to Council. The details must include, but are not limited to, the following:
  - a) A Traffic Management Plan prepared by a suitably qualified person detailing traffic measures to be implemented for the various stages of construction (i.e. to ensure safe ingress and egress of vehicles from the site);
  - b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site;
  - c) Details on the estimated timing of construction works; and
  - d) Parking arrangements for construction employees and contractors noting that all vehicles associated with the construction process must be contained within the site.

***Asbestos – Statement***

14. No later than seven (7) days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must be provided:
  - a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-2001; and

- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-2001.

***Asbestos – Licensed Contractors***

- 15. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

***Asbestos – Notification of Neighbours***

- 16. Fourteen (14) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

***Asbestos – Clearance Certificate***

- 17. Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos must be obtained and submitted to Council. Note: This relates to friable asbestos only.

## ***PART C***

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

***Design Amendments (General)***

- 18. The plans lodged with the Construction Certificate must be amended to include the following additional works/details:
  - a) External to the proposed development
    - i. All entry/exits from the car park at Cambewarra Road are to be via a consolidated single entry/exit to be located at the proposed roundabout at the intersection of Cambewarra Road and Farrelly Place. The existing driveway entry /exit at 'KFC' must to be physically closed off, with kerb and gutter reinstated to match existing and the existing redundant driveway removed.

The nature strip is to be reinstated with shared path and turfing in all areas between the boundary and the back of kerb (all areas with exception only of the shared path).

The design is to be amended accordingly with the proposed central concrete median on Cambewarra Road (originally proposed to the west of the roundabout) to be deleted (west of the splitter island) and the area of the driveway to be removed to be



landscaped appropriately to match existing adjacent landscape and infrastructure design.

The western leg of Cambewarra Rd roundabout must be line marked only with a painted median and a pram ramp provided on the 'KFC' side of the roundabout, (to minimise impact concerning existing property accesses).

- ii. The pedestrian refuge at the western end of Cambewarra Road on the submitted design is to be relocated to an alternative suitable location so as to minimise its impact on all adjacent commercial and residential properties. A swept path analysis demonstrating that the refuge facility does not affect access to adjacent businesses and residential properties must be incorporated into the revised plans.
- iii. Due to the significant works proposed on Cambewarra Road (this includes the bus bay, the roundabout and associated pedestrian facilities and the proposed pedestrian refuge) the applicant must consult with all affected stake holders (e.g. property owners and occupiers) regarding the proposed work on Cambewarra Road and provide evidence of the consultation how any concerns raised by stake holders have been addressed.

**Consultation must undertaken prior to obtaining the necessary Shoalhaven Traffic Committee approval for all works warranting approval by that Committee.**

- iv. An off-road shared user path with a minimum width of 1.8m is to be provided on the eastern side of the Princes Hwy linking with the existing off-road shared user path facilities located to the north (tie into the existing off road path adjacent McDonalds) and south of the site (tie into the existing off road path to the north of Narang Road) in accordance with advice as provided by letter dated 9/2/16 by Colston Budd Rogers and Kaffes Pty Ltd. This is to improve access to the site from the Princes Highway and also address the impact of the proposed left turn slip lane on the existing on road cycle way.
- v. An off-road shared user path with a minimum width of 1.8m is to be provided on the southern side of Cambewarra Road along the property frontage.

b) Internal to the Proposed Development

- i. A footpath with a minimum width of 1.2m is to be provided to link the Princes Highway shared user path to the Woolworths development via the Princes Highway site access.
- ii. Footpaths of minimum width of 1.2m are to be provided to link the Cambewarra Road shared user path to the Woolworths development via each of the path access points from Cambewarra Road.
- iii. Car spaces 67/72, 68/71, and 69/70 are to be combined/converted to additional car and trailer parking spaces 67/72 (alternatively; the trailer spaces may be located in an area agreed to by Council in writing), and
- iv. Due to RMS land dedication requirements, removal of some proposed landscaping along the Princes Highway is required. To enable landscaping to be provided to provide an acceptable visual outcome for the site frontage, car spaces

55, 198-203 and the trolley bay are to be removed and replaced by landscaping with the trolley bay relocated to space 203. Details are to be shown on revised drawings accompanying the Construction Certificate.

**Contributions for Additional Services and/or Facilities**

19. This development will generate a need for additional services and/or facilities as described in Council’s Contributions Plan 2010, as itemised in the following table.

Project	Description	Rate	Total
CW FIRE 2001	Citywide Fire & Emergency services	\$126.22* 26.4	\$3,32.21
CW FIRE 2002	Shoalhaven Fire Control Centre	\$184.66* 26.4	\$4,875.02
CW MGMT 3001	Contributions Management & Administration	\$524.89*26.4	\$820.72
			<b>\$9,027.95</b>

Contribution rates are adjusted annually on 1<sup>st</sup> July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment.** (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent).

A total contribution currently assessed at the sum of **\$9,027.95** or as indexed in future years must be paid to Council **before the issue of a Construction Certificate.**

*Contributions Plan 2010* may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

**Shoalhaven Water (Water, Sewer and Trade Waste requirements)**

20. Prior to issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Development Application Notice under the heading “PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE” must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development
21. must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

**Note:** Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

**For further information and clarification regarding the above please contact Shoalhaven Water’s Development Unit on (02) 4429 3111.**

**Site Contamination: Further Investigation, Remediation Works and Validation Report**

22. Prior to issue of a Construction Certificate:

- a) The conclusions and recommendations of the Remediation Action Plan prepared by Earth 2 Water Pty Ltd dated 26 November Report No. E2W-0232 (DR001-V1) are to be addressed / undertaken. This including further sampling and testing for contamination and must address data gaps, soil contamination, groundwater contamination and soil vapour assessment (including but not limited to TCE impact, asbestos, soil and groundwater contamination issues - refer to Section 10 of the report);
- b) Such testing is to provide technical details for remedial works and to ensure the site is suitable for the proposed land use and adequately assess health risks and implement appropriate control measures. The further investigation must be conducted by a suitably qualified person in accordance with the "NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites";
- c) A copy of each stage of the investigation is to be supplied to Council;
- d) The authority issuing the Construction Certificate for the development must obtain written approval from Shoalhaven City Council advising that the submitted Remedial Action Plan (RAP) is satisfactory prior to the issue of a Construction Certificate;
- e) After completion of the remedial works (i.e. those works required by the RAP including those as updated in the above condition), a validation report for the development site must be prepared by a suitably qualified person in accordance with the "NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites". This report must be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and must :
  - i) Describe and document all works performed;
  - ii) Include results of validation testing and monitoring;
  - iii) Include validation results of any fill imported on to the site;
  - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with;
  - v) Include details as required by Condition 11; and
  - vi) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- f) The authority issuing the Construction Certificate for the development must obtain written approval from Shoalhaven City Council advising that the submitted validation report is satisfactory prior to the issue of a Construction Certificate.
- g) Depending on the outcome of the further investigations as detailed above, Council reserves the right to call for a Site Audit Statement in accordance with the NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's "Guidelines for the NSW Site Auditor Scheme".

**Note:** Refer to Conditions of this Development Consent for conditions relating to soil removal and dust management associated with remediation works.

### **Section 68 Approval**

23. An application pursuant to Section 68 of the Local Government Act 1993 is required to be made for:
- a) any works involving water, sewerage and stormwater drainage prior to the issue of a Construction Certificate. In this regard, full hydraulics plans/details that have been prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council for assessment; and
  - b) No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained.

### **Regulatory Signage/Pavement Markings and Section 138 Application**

23. Prior to the issue of a Construction Certificate:
- a) A Section 138 Application under the Roads Act 1993 must be made with Council for all works within the Cambewarra road reserve. This must be accompanied by detailed engineering designs.  
  
**Note:** Refer to Part D and Part G of this development consent for additional requirements in relation to the above condition.
  - b) A detailed signs and lines plan (i.e. proposed line markings and regulatory signs within the public road reserve and the car parking area) along with detailed designs for the roundabout, bus zone, pedestrian refuge, and all shared user paths in Cambewarra Road must be submitted to Council for Traffic Committee and Council approval. The signs and lines plans must include, but not be limited to:
    - i) Dimensioned concept designs for all of the proposed traffic and pedestrian facilities
    - ii) Required line marking and signage details in the car park and within the road reserve areas including that required for the roundabout, pedestrian refuge, indented bus bay, and shared user paths within Cambewarra Road;
    - iii) Clear entry/exit signage;
    - iv) Arrow markings internal to the site to reinforce the one and/or two way movements;
    - v) Signage and arrow markings to effect the redirection of 'KFC' traffic exiting the site
    - vi) Signage to indicate spaces provided for large vehicles/vehicles with trailers, taxi's, minibus drop off/pick up, speed humps (i.e. minimum of 4 in each aisle);
  - c) All works as required by parts a) and b) above must be carried out by the applicant in accordance with the approved plans and as modified by conditions in this consent.

**Note:** The fully dimensioned concept plan of all proposed traffic and pedestrian facilities, including the detailed signs and lines plan requires referral to the Shoalhaven Traffic Committee and subsequently, the formal adoption by Council. Six to eight weeks

*should be allowed for this process. A separate agreement will be required by RMS for any works within the Princes Highway road reserve.*

**All approvals must be in place prior to the commencement of any works.**

#### **Partial Surrender of Development Consent DA07/1024**

24. Prior to issue of a Construction Certificate written surrender of Stage 2 of issued Development Consent DA07/1024 (pursuant to section 104A of the Environmental Planning and Assessment Act 1979) is required by the landowner to be submitted to Council.

**Note:** *Stage 2 of Development Consent DA07/1024 approved 10 bulky goods warehouse units and 71 car parking spaces.*

#### **Road and Traffic Facilities/Works**

25. Prior to the issuing of a Construction Certificate, the developer must enter into a Works Authorisation Deed (WAD) with NSW Roads and Maritime Services for all works on the Princes Highway. A copy of the signed WAD must be provided to Shoalhaven City Council with the Construction Certificate.

**Note:** *The works on the Princes Highway and the adjacent road reserve must include (but not be limited to) the left slip lane, the off road shared user path (effecting a continuous off road shared user path between Cambewarra Road and Narang Road), site access works, as well as any other works to achieve the above and all associated works to address RMS requirements.*

#### **Landscaping – amended plan**

26. Prior to the issue of a Construction Certificate an amended landscape plan must be prepared by a suitably qualified person such as a landscape architect and approved by an accredited certifier and a copy provided to Council. The amended landscape plan must include the following additional requirements:

- a) Landscaping of the seven (7) car spaces (No's 55, 198-203 and the trolley bay) that are to be removed and replaced by landscaping. This additional landscaped area must include a minimum of five (5) x 45 litre tree species and shrub species planted at 1.5m centres; and
- b) Landscaping to be provided at a minimum width of 3m to the minor frontage of the Princes Highway adjacent to the 'Future Development site'. The amended plan is also to show restricted access to this site with a semi-permeable fence, with a landscaped area and plantings in front.

Landscaping must be carried out in accordance with the approved landscape plan (i.e. as amended by part a) of this condition and associated specifications/details.

#### **Vegetation Protection**

27. Where engineering works are proposed near treed or vegetated areas the applicant must provide dimensioned engineering plans that show all areas of vegetation / trees to be retained as per the Arboricultural Impact Assessment Report by Elke dated 9

December 2014 (Appendix G, Statement of Environmental Effects) surrounded by temporary protective fencing. No plans must be approved as part of a Construction Certificate unless these protective measures are shown and contain a note stating the fencing is to be installed prior to works and must remain in place until all works are completed. No services (water sewer etc) are to be approved within areas of vegetation to be retained or under the “drip line” of trees to be retained.

### ***Operational Waste Management Plan***

28. Prior to issue of a Construction Certificate an Operational Waste Management Plan must be prepared in accordance with Section 5.1 of Chapter G17 'Business, Commercial and retail Activities' of Shoalhaven Development Control Plan 2014 and Council's Waste Management Guidelines 2009 and be submitted to the Principal Certifying Authority for approval. The OWMP must clearly indicate the location of waste and recycling storage (to be screened within the building) and be accessible to the loading dock. The location of waiting service vehicles (away from residential properties) must also be indicated on a plan.

### ***Shopping Trolley Plan of Management***

29. A Plan of Management for Shopping Trolleys must be prepared and submitted with application for a Construction Certificate for approval by an accredited certifier. The Plan must demonstrate compliance with the requirements in Section 5.1.1 of Chapter G17 'Business, Commercial and retail Activities' of Shoalhaven Development Control Plan 2014 and detail how shopping trolleys will be properly and securely stored, collected (including trolleys taken off site), signage/public education programs, etc and provide details of a trolley containment system to be employed that encourages the containment of trolleys at the development site.

### ***Noise Impacts***

30. Verification that the design for the development complies with the recommendations contained in the Environmental Noise Impact Proposed Retail Development at 320 Princess Highway Bomaderry, NSW, Report No: 14-1746-R1, prepared by: Reverb Acoustics Pty Ltd, Dated: November 2014 (i.e. as detailed in Section 8 – Summary of recommended Noise Control) and applicable noise requirements must be provided and detailed with the application for a Construction Certificate. This includes a referral to an acoustic consultant and written confirmation and verification demonstrating compliance with that report.

### ***Erosion and Sediment Control***

31. An amended Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom Manual - “Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004”, must be approved by an accredited certifier for works within the proposed lot. An SWMP must also be prepared and lodged with Council and the RMS and approval obtained prior to the issue of a Construction Certificate for works in the road reserve. The amended SWMP must include, but is not limited to, the following additional details:

- a) Sediment and erosion control measures for all works within the road reserves. Specifically works in the Cambewarra Road and Princes Highway road reserves;
- b) Proposed staging of construction and SWMP measures for both works on the development site and within the road reserves;
- c) Maintenance program for all soil and water management measures (including maintenance of the temporary sediment basin and any associated fencing to keep members of the public out);
- d) Disposal site for silt removed from sediment traps; and
- e) Standard construction drawings for proposed soil and water management measures.

## **PART D**

### **CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT**

#### ***Building Code of Australia***

32. All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

33. Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the BCA and AS1428.1-2009.

#### ***Design Standards***

34. The following design standards must be complied with:
  - a) Engineering design plans and specifications for the **internal** civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
  - b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be approved by RMS with the concurrence or approval of Shoalhaven City Council as the case may be;
  - c) All civil works must to be in accordance with RMS design Standards / Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent, or agreed to by Council in writing.
  - d) Road, drainage and other civil works referred to in this Consent within the road reserve and on public or private land must be prepared by a suitably qualified practising engineer or surveyor;

- e) Due to the possibility of problems in crossing the services within the road reserve, full details of the alignment and levels of all services (Council, Integral Energy, telecommunications, gas or other services) must be shown on the engineering plans; and
- f) All work must be carried out in accordance with the approved plans.

***Road Reserve, Footpath & Gutters***

35. Existing roads, footpaths and reserves adjacent to and nearby the site must be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

***Soil and Water Management***

36. The following soil and water management measures must be implemented:
- a) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc.). In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur. All areas disturbed must be stabilised or revegetated as soon as possible after the completion of site earthworks;
  - b) All works and measures detailed in the submitted sediment and erosion control plans must be implemented and complied with; and
  - c) The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

***Construction Hours/Vehicles***

37. To limit the impact of the development on adjoining owners,:
- a) All construction work must be restricted to the hours of 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm Saturdays. No construction work is to take place on Sundays or Public Holidays without the written approval of the Planning & Development Director of Shoalhaven City Council or his delegate; and
  - b) All construction vehicles and equipment must be kept within the confines of the site.

***Waste Minimisation and Management***

38. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised/approved waste disposal facility (i.e. has development consent/approval from Council to accept the waste). No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.



Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

**Note:** "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

### **Internal Driveway, Car Park Design and Construction**

39. The internal driveway and off street car parking area must:

- a) Be constructed, line marked and signposted in accordance with AS2890.1:2004 and AS2890.6:2009. The general off-street car park layout must be as shown on the plan with reference 141009 C05 1, prepared by Jones Nicholson Consulting Engineers design, dated 9-2-16 and as otherwise amended by conditions in this development consent;
- b) Provide a minimum of 269 constructed car spaces. This including a total of 8 car parking spaces for people with disabilities, 5 long vehicle parking spaces, 2 taxi spaces and 1 minibus drop off/pick up space;
- c) Be designed and constructed to the following standards:
  - i) The main car park area must be asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of  $1 \times 10^5$  ESA's.
  - ii) The loading bay area must be a concrete pavement designed and constructed for a minimum traffic loading of  $1 \times 10^6$  ESA's or with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of  $1 \times 10^6$  ESA's. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product detail must be submitted with the civil design / engineering plans.
  - iii) Be bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete integral kerb and gutter must be constructed. The work must comply with Council's Plan No. SC 2637-10 and SC 2637-09;
  - iv) Have wheel stops provided to all parking spaces in accordance with AS2890.1 except the long vehicle/car with trailer spaces;
  - v) Have clear signage provided to indicate where long vehicle parking spaces are located and which spaces are long vehicle parking spaces;
  - vi) Have heavy duty concrete gutter laybacks and footpath crossings designed and constructed at the driveway entrances off the Princes Highway and Loading Bay entrance off Cambewarra Rd in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and Fig D1.20 (Engineering Design Specification). Where kerb and gutter exists, the plans must be detailed to ensure road seal and pavement is to be removed to a sufficient width to permit placing of formwork and the laying and compacting of suitable pavement material (1m minimum offset to lip line); and
  - vii) Sufficient speed control devices, warning and regulatory signage must be provided to improve safety within the car park, as well as to ensure a deterrence to through traffic through the site, and details of these works must also be included on plans for Traffic Committee approval.

### ***Access Design Standards***

40. The design and construction of a roundabout at the intersection of Cambewarra Rd, Farrelly Place and the entrance into Woolworths must be undertaken by the developer. The roundabout must be designed to meet the requirements of Council, generally in accordance with AUSTRROADS, but the design must be sufficient to obtain the approval of the Shoalhaven Traffic Committee and Council. The construction of the roundabout implies all works required to construct the roundabout in accordance with standards and to comply with the requirements of Traffic Committee and Council.
41. A minimum 1.8 metre wide concrete shared user path must be designed and constructed for the full frontage of the development, and extended up/downstream of the site as required to satisfy condition 18. Details are to be shown on the engineering design plans and must incorporate the following:
  - a) Cross Sections;
  - b) Footpath levels must comply with a 3% cross fall from the boundary to top of kerb; and
  - c) The level of the footpath to 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 / provided.

### ***Stormwater Drainage Design***

42. The site must be drained so as to comply with the following requirements:
  - a) The stormwater drainage system must be generally in accordance with the plan with reference 141009, prepared by Jones Nicholson Consulting Engineers, dated 9-2-16 as amended by conditions of this development consent. This including the installation of gross pollutant traps;
  - b) Details must be in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems must be designed for 10% AEP for commercial / industrial areas and also have consideration for the 1% AEP rainfall events respectively;
  - c) The levels of the car park and landscaped areas adjacent to the buildings must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering the buildings; and
  - d) Post development storm water discharge from the subject site into the classified road drainage system must not exceed the pre-development application discharge.
43. On-site detention storage for stormwater runoff from the site must:

- a) 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 an accredited certifier for approval prior to the issue a construction certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed;
- b) The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding; and
- c) The on-site detention structure must be designed to withstand a T44 load as defined in Austroad's Bridge Design Manual.

### **Noise Impacts**

44. All the recommendations of the Environmental Noise Impact Proposed Retail Development at 320 Princess Highway Bomaderry, NSW, Report No: 14-1746-R1, prepared by: Reverb Acoustics Pty Ltd, Dated: November 2014 (i.e. as detailed in Section 8 – Summary of recommended Noise Control), must be incorporated into the design and complied with.

### **Princes Highway – Left Turn Slip Lane**

45. The developer must upgrade the access from the subject development to the Princes Highway to be an Auxiliary Left Turn (AUL) as is generally described in the plan with reference Longitudinal Section Ref 141 009–C10–4, dated 9.2.16 and in accordance with Austroads Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections. The access must be sealed a minimum distance of 10m back from the edge of seal.

**Note:** see earlier conditions of consent.

### **Roads and Maritime Services (RMS) Requirements**

46. The following requirements from the RMS must be complied with:
  - a) The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road (i.e. the Princes Highway) or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.

**Note:** An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

- b) RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Princes Highway. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

**Note:** *The RMS advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: [WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au)*

- c) All pavement design on the State road network must be in accordance with Austroads standards. It should be noted that pavement investigations need to consider the suitability of the existing shoulder to accommodate new loadings and if necessary, the developer must upgrade the existing shoulder.
- d) Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.
- e) The developer must ensure, to the satisfaction of Council, that post development storm water discharge from the subject site into the classified road drainage system does not exceed the pre-development application discharge.
- f) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to occupation.
- g) All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. Traffic signals must be constructed by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

### **Impact of works on Others**

47. The following general conditions must be adhered to:

- a) Runoff currently entering the site from uphill properties must not be obstructed nor redirected from entering the site, other than by works in accordance with a plan approved by Council or to increase the quantity or concentration of surface runoff entering adjoining properties; and
- b) All construction work is to be carried out so that at any time adjoining property owners are not deprived of an all weather access or subjected to additional storm water runoff during the period of construction.

***Dust Management during clearing and construction***

48. Dust emissions must be confined to within the site boundary during any earthworks and construction. In this regard the dust management requirements outlined in the Remediation Action Plan prepared by Earth 2 Water Pty Ltd dated 26 November Report (Ref No. E2W-0232 (DR001-V1)) must be followed. In addition The following dust control procedures may be employed / included to comply with this requirement:
- a) Erecting dust screens around the perimeter of the site;
  - b) Securing and covering all loads entering or exiting the site;
  - c) Water spraying and application of additives to suppress dust; and
  - d) Covering all stockpiles of soil remaining on site more than 24 hours. Keeping excavation surfaces moist.

***Flora/Fauna Protection and Clearing Works***

49. A suitably qualified and NSW National Parks & Wildlife Service licensed wildlife handler must be on site prior to, and during the removal of the Hollow bearing tree (tree 66 as per the Arboricultural impact Assessment Report by Elke dated 9 December 2014) to rescue/protect fauna.
50. The environmental consultant must provide a written report to Shoalhaven City Council (email to Council's Threatened Species Officer is acceptable) detailing any fauna detected as a result of the clearing works. The report is to be submitted within 2 weeks of the clearing works or prior to the first critical stage inspection.
51. Prior to the commencement of any clearing works and during clearing works the following must be complied with:
- a) The extent of clearing as shown on the approved plans must be accurately surveyed and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained;
  - b) Any clearing works the drip-line (outer edge of the leaf canopy) surrounding trees to be retained must be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance to roots, or soil build-up around the base of the tree during and after clearing works (*refer to AS 4970; Protection of trees on development sites, 2009*);
  - c) Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint;
  - d) Hollow-bearing trees must be felled carefully in sections utilising a "cherry picker" or crane if necessary to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna;
  - e) The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees to be retained is prohibited;

- f) Sediment erosion controls must be in place immediately following clearing and on the same day as clearing works commence; and
- g) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373-1996 "Pruning of Amenity Trees."

### **Landscaping**

- 52. The planting of plant species listed on the Weeds Australia NSW weeds list ([www.weeds.org.au](http://www.weeds.org.au)) is prohibited for the life of the development.
- 53. No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses, must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation.

**Note:** *Plantings must not obstruct sight distance for traffic and pedestrians at any location internal or external to the site and all plantings are to be maintained for the life of the development to ensure sight distances are maintained for safety.*

### **Structural Design**

- 54. Detailed design 'where required' of the following works must be certified by an NPER-III registered practising engineer and submitted for approval by Council's Engineering Coordinator or Delegate:
  - a) Major drainage structures, including OSD Tanks, stormwater pits / structures that require steel reinforcement;
  - b) Retaining walls greater than 0.6 metre in height; and
  - c) Other structural design (e.g. safety barrier/fencing for culverts over 1 metre to invert).

**Note:** *A NPER-III registered practising engineer will be required to certify that construction of the above structures has been completed in accordance with the approved plans prior to the release of the occupation certificate.*

### **Reinstatement of Kerb, Gutter and Footpaths**

- 55. Redundant footpath, gutter crossings/access points and pipe outlets are to be reinstated to match existing or as otherwise agreed to by Council in writing. Redundant laybacks are to be reinstated as follows:
  - a) The road pavement is to be saw-cut parallel to the lip of the gutter;
  - b) The existing layback and gutter is to be removed;
  - c) New cast in-situ kerb and gutter to match adjacent profile is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining; and

- d) The nature strip is to be reinstated with shared path and turfing in all areas between the boundary and the back of kerb (all areas with exception only of the shared path).

***Colour Schedule/Exterior Materials***

- 56. The approved building must be:
  - a) constructed in accordance with the approved schedule of colours and building materials and finishes (refer to plans detailed in Condition 1) or otherwise with the written approval of Council's Development Services Manager or nominee; and
  - b) The light reflectivity from any building materials used on the facades of the building must not exceed 20% and must be designed so as to not result in glare that causes any nuisance or interference to any person or place.

***Lighting – Internal Driveway and Car Parking Areas***

- 57. Lighting (Particular attention must be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas) must be provided to the internal driveways and the car parking areas must be in accordance with:
  - a) AS/NZS 1158.3: 1999 Road Lighting - Pedestrian area (Category P) lighting - Performance and installation design requirements; and
  - b) AS4282: 1997 Control of the obtrusive effects of outdoor Lighting.

***Air Conditioning/Cooling Tower***

- 58. Any air handling system and cooling tower must be:
  - a) Designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations;
  - b) Designed, installed in accordance with Australian Standard AS3666.1:1995 Air handling and water systems in building - microbial control; and
  - c) Must be maintained in accordance with Australian Standard AS3666.2:1995 Air handling and water systems in building - microbial control - operation and maintenance.
- 59. It is legally incumbent on the occupier of the premises to notify the Local Authority (Shoalhaven City Council) of any changes necessary to update the Register of Premises with Regulated Air Handling Systems installed on them.
- 60. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system must be discharged to sewer under a Trade Waste Agreement with Shoalhaven Water.

### **Screening of Roof Structures**

61. All structures that are ancillary to the use/operation of the buildings that are positioned on the roof must either be sited/positioned so they are not visible from adjoining public spaces (both within and external to the site) or be suitably screened so they are not visible from any adjoining public spaces (both within and external to the site).

*Note: A separate development consent/modification to this development consent may need to be obtained prior to their implementation if screening is required.*

### **Food**

62. The construction and operation of any food premises within the development must comply with all relevant legislation/regulations and standards, including the Food Act 2003, Food Safety Standards and Council's Food Premises Policy.
63. The operator must complete an application form to register the food premises and submit to Council's Planning and Development Services Group.

### **Road and Traffic Facilities/Works to be provided by the Applicant**

64. All works associated with the approved development including all external works (i.e. road works, traffic control and pedestrian facilities and other works associated with this development including any modifications required to meet RMS standards) will be at no cost to the RMS and Shoalhaven City Council.

## **PART E**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED**

65. Prior to the issue of an Occupation Certificate for the approved development, conditions in Part A, B, C and D must be complied with.

### **Roads and Maritime Services Requirements**

66. Prior to occupation of the development:
- a) The land owner/developer is to dedicate at no cost to the RMS the land between the current boundary line and the future boundary line (as shown on "D16/45710 Longitudinal Section Ref 141 009 – C10 – 4"). This being required by RMS to allow for future widening of the Princes Highway and the provision of a left turn slip lane; and
  - b) Written approval must be obtained from the RMS that the access upgrade works from the subject development to the Princes Highway (e.g. provision of an Auxiliary Left Turn (AUL) including sealing a minimum distance of 10m back from the edge of seal, etc) have been completed/complied to their satisfaction.



## ***PART F***

### **CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT**

#### ***Site Management and Maintenance***

67. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) Loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);
  - b) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park or drive way areas;
  - c) Activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
  - d) Removal of all graffiti within a maximum of 14 days of being notified by Council;
  - e) The storage of the waste bins (i.e. ongoing waste and recycling waste ) within the approved waste storage area so they are not visible from a public place;
  - f) All drainage systems including oil separators, grated drains, sumps, pits, traps etc. must be regularly cleaned out and maintained to the satisfaction of Council;
  - g) Maintenance of:
    - i) All vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
    - ii) All stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plans including, but not limited to, on-site detention and associated stormwater pollution control devices being maintained;
    - iii) All signs and lines; and
    - iv) All buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

#### ***Annual Fire Safety Certificate***

68. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial interim/final Fire Safety Certificate is issued. This must ensure that 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.

### **Noise**

69. The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
70. The noise control recommendations identified in the *Environmental Noise Impact Proposed Retail Development at 320 Princess Highway Bomaderry, NSW, Report No: 14-1746-R1, prepared by: Reverb Acoustics Pty Ltd, Dated: November 2014* (i.e. as detailed in Section 8 – Summary of recommended Noise Control), must be maintained for the life of the development.

### **Operation and Servicing**

71. The approved hours of operation are:
- a) 7am to midnight, seven (7) days per week; and
  - b) Vehicles are permitted to access the loading dock area (i.e. product deliveries associated with the approved development, garbage servicing, etc) between 7am to 10pm daily. No vehicles are permitted to access the loading area outside of these hours.

### **Odour**

72. The use of the approved development must not result in 'offensive odour' being generated.

### **Car Parking**

73. The car parking area must allow for unimpeded access and use and be available for use by patrons/customers of the development during operating hours. Under no circumstances are car parking spaces or aisles to be used for display, garbage disposal/storage or other uses.

### **Neighbourhood Amenity**

74. Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public. Furthermore, that no injury will be caused to the amenity of the neighbourhood by the generation and emission of noise, smoke, smell, vibration, gases, vapour, odours, dust, particulate matter or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

### **Signage**

75. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under a State

Environmental Planning Policy or a Council Development Control Plan is approved as part of this development application.

***Operational Waste Management Plan***

76. Ongoing waste and recycling is to be managed in accordance with the Operational Waste Management Plan referenced in Condition 28 of this consent. Waste bins are not to be stored within the loading area/space that is visible from a public place.

***Shopping Trolley Plan of Management***

77. Shopping trolleys used within the development site must be managed in accordance with the approved Trolley Management Plan and maintained for the life of the development.

***Toilet Provision***

78. A toilet for the use of customers must be provided within the approved development (e.g. Woolworths) and must be made available for the use of customers during operating hours.

***Restricted Access to 'future development site'***

79. Access to the 'future development site' is to be restricted by the provision of a semi-permeable fence with a landscaped area in front and landscaping at 3m wide to the Princes Highway frontage to improve the visual appearance until such time as this site is developed. This site is to be kept in an attractive and safe and maintained state at all times.

***Maintenance***

80. The development, including the car park, landscaping, building and ancillary components must be maintained and kept in good order for the life of the development.

## ***PART G***

### **OTHER COUNCIL APPROVALS**

#### **Section 138 Roads Act**

***Approval Required for Work within the Road Reserve – Section 138 Roads Act***

81. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of RMS / Council under Section 138 of the Roads Act, 1993. The following details must be submitted to RMS / Council to obtain the s.138 consent:
- a) A copy of approved civil construction plans (issued by relevant road authority) for any civil works related to the development and/or proposed works to be undertaken within the road reserve;
  - b) Evidence that Traffic Committee and subsequent Council Approval has been obtained for all traffic and pedestrian facilities and all regulatory signs/markings

internal and external to the site, and evidence that any requirements of Traffic Committee and Council have been subsequently addressed on the plans;

- c) Any pavement design required by this consent.
- d) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan;
- e) Insurance details;
- f) Name and contact information of the person/company appointed to supervise the construction;
- g) In the event that the contractor desires a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works;
- h) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' must be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

**Note:** *All works undertaken within or adjacent to a public road must be provided with traffic control in accordance with the Traffic Control Plan as a minimum. As a result of changing conditions, additional traffic control measures may be required to comply with the WH&S Act and SafeWork NSW (WorkCover) requirements. Such controls are to be in place and maintained to these requirements during the construction of the works. **NB: Traffic includes both vehicular and pedestrian.***

## **PART H**

### **REASONS FOR CONDITIONS**

#### **Conditions of consent have been imposed to:**

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## ***PART I***

### **ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL**

#### ***Development Consent under Environmental Planning and Assessment Act, 1979***

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development.*

*The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

#### ***Approvals under Local Government Act, 1993***

*Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.*

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

## ***PART J***

### **ADVICE ABOUT WHEN THIS CONSENT LAPSES**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.*

## **PART K**

### **GENERAL ADVICE TO APPLICANT**

#### ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning & 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 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

#### ***Endeavour Energy***

To ensure a secure supply of electricity to the approved development, an application needs to be submitted to Endeavour Energy. To avoid delays, you are encouraged to submit an application to Endeavour Energy at your earliest convenience. Final determination of the electrical supply arrangement and associated electrical works will be determined upon submission of this application. An application can be obtained from Endeavour Energy on (02) 9853 6234.

#### ***Car Parking***

If any of the floor space that has been approved as part of this development is converted to an alternative use, which generates a higher car parking requirement, a reassessment of car parking numbers will be undertaken by Council (as part of the assessment of the new development application) with the additional car parking calculated being required to be provided on site.

#### ***Protection of the Environment Operations Act***

Any stormwater directed off-site which contains contaminants may constitute "pollution of waters" and therefore is an offence under the Protection of the Environment Operations Act.

#### ***Disclaimer – s88B restrictions on the use of land***

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

***Inspections***

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

***DBYD Enquiry - 'Dial Before You Dig'***

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services.

***Privacy Notification***

Personal information contained on this Development Consent and any associate will be published on Council's website as required by the Government Inform Access) (GIPA) Act 2009.