

Australand Corporation (NSW) Pty Ltd  
48 Apollo Drive  
SHELL COVE NSW 2529

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

*Issued under the Environmental Planning and Assessment Act 1979 Section 4.18*

Being the applicant of Development Application No. 0606/2021 (PAN-149006) for consent to the following development:

### CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS WITH BASEMENTS (PRECINCT C2 APARTMENTS)

LOT: 3000 DP: 1258171  
LOTS: 3008 & 3009 DP: 1258172  
(FORMERLY LOT 9009, DP 1254656)

THE PROMONTORY DRIVE, SHELL COVE

Determination date of consent: 20 June 2022

**Note: This Approval will lapse 5 years from the date of consent.**

In accordance with section 4.15 of the Act the Development Application has been determined by the GRANTING OF CONSENT BY THE PLANNING PANEL (SOUTHERN) (Ref: PPSSTH-119 – SHELLHARBOUR – DA0606/2021) SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

Madeline Cartwright  
**Acting Manager – Planning**  
**Authorised Assessment Officer**

On behalf of Ben Stewart, Acting Chief Executive Officer

## PART A – ADMINISTRATIVE CONDITIONS

### 1. Construction Certificate & PC Notification

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifier.

### 2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2021*.

### 3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Analysis	Candalepas Associates	DA0101 issue C	20.05.2022
Floor Plans	Candalepas Associates	DA1001 issue C DA1002 issue C DA1003 issue C DA1004 issue C DA1005 issue C DA1006 issue C DA1007 issue C	20.05.2022
Liveable and Pre adaptable Floor plan	Candalepas Associates	DA1051 issue C	20.05.2022
Communal Space and access path floor plans	Candalepas Associates	DA1809 issue C	20.05.2022
Roof Plan	Candalepas Associates	DA1007 issue C	20.05.2022
Elevation Plans	Candalepas Associates	DA1201 issue C DA1202 issue C DA1203 issue C	20.05.2022
Section Plans	Candalepas Associates	DA1101 issue C DA1102 issue C	20.05.2022
BASIX*	Efficient Living Pty Ltd	Certificate No. 1219657M_06	17.05.2022
NatHERS	Efficient Living Pty Ltd	Certificate No. 0006579620	17.05.2022
Waste Management Plan	MRA Consulting Group	0.3.1	20.09.2021
Loading Dock Management Plan	TTW	211168	19.05.2022
Sediment and erosion Control Plan	TTW	C03 P8	03.02.2022

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Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Landscape Plan	Site Image	SS21-4673 000 issue F SS21-4673 001 issue F SS21-4673 002 issue F SS21-4673 101 issue F SS21-4673 102 issue F SS21-4673 000 issue F SS21-4673 501 issue F SS21-4673 502 issue F SS21-4673 503 issue F SS21-4673 601 issue F SS21-4673 602 issue F SS21-4673 603 issue F SS21-4673 604 issue F SS21-4673 605 issue F	17.05.2022
Bulk Earthworks Plan	TTW	211168 C20 P7	16.05.2022
Pedestrian Wind Environment Statement	Windtech	WG154-01CF02 (Rev 3) WS Report (C2)	02.02.2022
Acoustic Assessment	Acoustic Logic	20210531.1/2907A/RO/TH	29.07.2021
Acid Sulphate Soils Management Plan	SMEC	3001886-L20 Rev 1	20.09.2021
Civil Plans	TTW	211168 C01 rev. P5 211168 C02 rev. P5 211168 C03 rev. P8 211168 C04 rev. P4 211168 C07 rev. P6 211168 C10 rev. P5 211168 C40 rev. P5 211168 C41 rev. P6	20.09.2021 20.09.2021 03.02.2022 20.09.2021 14.05.2022 20.09.2021 20.09.2021 14.05.2022
Crime Prevention Though Environmental Design Report	Ethos Urban	2210116	24.09.2021
Utilities Report	Arcadis	AA006310-PRA-B2C2 rev. 03	11.08.2019
Geotechnical Investigation Report	SMEC	3001886-R08	15.07.2020.
Traffic Impact Assessment	TTW	211168	19.05.2022

\* The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

#### 4. Compliance with Notations on Drawings

Works must comply with notations made on the approved plans.

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## 5. House Numbering

House numbering will be as follows:

Unit	Street Number	Street Name	Street Type	Locality
<b>Grnd Floor</b>				
G01	G01/17	Quayside	Avenue	Shell Cove
G02	G02/17	Quayside	Avenue	Shell Cove
G03	G03/19	Quayside	Avenue	Shell Cove
G04	G04/19	Quayside	Avenue	Shell Cove
G05	G05/19	Quayside	Avenue	Shell Cove
G06	G06/21	Quayside	Avenue	Shell Cove
G07	G07/21	Quayside	Avenue	Shell Cove
G08	G08/21	Quayside	Avenue	Shell Cove
<b>Level 1</b>				
101	101/15	Quayside	Avenue	Shell Cove
102	102/15	Quayside	Avenue	Shell Cove
103	103/15	Quayside	Avenue	Shell Cove
104	104/17	Quayside	Avenue	Shell Cove
105	105/17	Quayside	Avenue	Shell Cove
106	106/19	Quayside	Avenue	Shell Cove
107	107/19	Quayside	Avenue	Shell Cove
108	108/19	Quayside	Avenue	Shell Cove
109	109/21	Quayside	Avenue	Shell Cove
110	110/21	Quayside	Avenue	Shell Cove
111	111/21	Quayside	Avenue	Shell Cove
<b>Level 2</b>				
201	201/15	Quayside	Avenue	Shell Cove
202	202/15	Quayside	Avenue	Shell Cove
203	203/15	Quayside	Avenue	Shell Cove
204	204/17	Quayside	Avenue	Shell Cove
205	205/17	Quayside	Avenue	Shell Cove

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Unit	Street Number	Street Name	Street Type	Locality
206	206/19	Quayside	Avenue	Shell Cove
207	207/19	Quayside	Avenue	Shell Cove
208	208/19	Quayside	Avenue	Shell Cove
209	209/21	Quayside	Avenue	Shell Cove
210	210/21	Quayside	Avenue	Shell Cove
211	211/21	Quayside	Avenue	Shell Cove
<b>Level 3</b>				
301	301/15	Quayside	Avenue	Shell Cove
302	302/15	Quayside	Avenue	Shell Cove
303	303/15	Quayside	Avenue	Shell Cove
304	304/17	Quayside	Avenue	Shell Cove
305	305/17	Quayside	Avenue	Shell Cove
306	306/19	Quayside	Avenue	Shell Cove
307	307/19	Quayside	Avenue	Shell Cove
308	308/19	Quayside	Avenue	Shell Cove
309	309/21	Quayside	Avenue	Shell Cove
310	310/21	Quayside	Avenue	Shell Cove
311	311/21	Quayside	Avenue	Shell Cove
<b>Level 4</b>				
401	401/15	Quayside	Avenue	Shell Cove
402	402/15	Quayside	Avenue	Shell Cove
403	403/15	Quayside	Avenue	Shell Cove
404	404/17	Quayside	Avenue	Shell Cove
405	405/17	Quayside	Avenue	Shell Cove
406	406/19	Quayside	Avenue	Shell Cove
407	407/19	Quayside	Avenue	Shell Cove
408	408/19	Quayside	Avenue	Shell Cove
409	409/21	Quayside	Avenue	Shell Cove

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Unit	Street Number	Street Name	Street Type	Locality
410	410/21	Quayside	Avenue	Shell Cove
411	411/21	Quayside	Avenue	Shell Cove

- a. Addresses should be included on the DA plans and ensure lot numbers on any future Subdivision admin sheet are the same as Unit & house numbers on DA & construction plans.
- b. The allocated number must be displayed prior to occupation. Where plans and details are provided to service suppliers, numbers must be in accordance with the above.
- c. Letterboxes should be visible from the street and clearly numbered according to the address allocated with both unit and street numbers.

## 6. Endeavour Energy

Correspondence has been received from Endeavour Energy dated 28.10.2021 and as attached to this consent in Part H.

In addressing this correspondence, each condition marked with a checked box applies to the development. Further information on each applicable clause is provided within Endeavour Energy's document 'Standard Conditions for Development Applications and Planning Proposals Revision dated 1 October 2021'. This document can be found on the Planning Portal under 'Agency Advice'.

## PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 7. Section 7.11 Development Contributions

A contribution of \$ 556,192.74, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services. This amount has been calculated in accordance with Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review 14 August 2019 in the following manner:

- Residential contribution - Precinct 2, Shellharbour - \$ 597,958.68
- Less credit for Passive Open Space Embellishment C1.26 CE - (\$ 41,765.94)

Category	Amount
Open Space	\$ 97,632.36
Community Infrastructure	\$ 401,465.37
Roads & Traffic Infrastructure	\$ 10,281.60
Drainage	\$ 0.00
Administration	\$ 46,813.41
<b>TOTAL</b>	<b>\$ 556,192.74</b>

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the Contributions Plan. Current indexed rates are available from Council.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au) <<http://www.shellharbour.nsw.gov.au>>

## **8. Detailed Drainage Design**

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with plan no. 211168 C07 prepared by TTW on 16.05.2022,
- b. drain to the stormwater stubs connected to Quayside Avenue,
- c. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d. be to the satisfaction of the Certifying Authority,
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- g. comply with Council's Shellharbour Development Control Plan unless variation is specifically noted and approved on DA concept drainage plan,
- h. include the rainwater tank, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any other fixture identified in the BASIX certificate.

## **9. Retaining Wall Structural Engineer**

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

## **10. Neighbouring Property and Road Shoring**

Prior to the issue of the Construction Certificate, plans and specifications prepared by a qualified and practising structural engineer must detail how the neighbouring properties, footpaths and Roads shall be supported at all times.

## **11. Building Plan Approval - Sydney Water**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Certifier must ensure that Sydney Water Tap in™ has issued the appropriate electronic approval prior to the commencement of any works.

## **12. SEPP 65 Design Verification Statement**

A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of -State Environmental Planning Policy No 65 Design Quality of Residential Flat Development .

### **13. Easement & Engineer's Details**

The walls of any structure adjoining the easement boundary must be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. Details to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

### **14. Internal Pedestrian Walkway**

Prior to the issue of a Construction Certificate, the pedestrian pathway as shown on drawing reference DA1809 issue C dated 20.05.2022 must be highlighted for users by the use of paving materials or coloured concrete. Details of these materials and colours are to be submitted to the Certifying Authority for approval and installed prior to the issue of an Occupation Certificate.

### **15. Construction Environmental Management Plan (CEMP)**

Prior to issue of the Construction Certificate, a Construction Environmental Management Plan (CEMP) must be submitted including but not limited to the following environmental safeguards:

- a. The CEMP should direct all workers to the site specific Acid Sulfate Soils Management Plan (AASMP) which must be using the management options set forth in Acid Sulfate Management Plan should ASS be encountered during excavations.
- b. Waste Management plan in accordance waste management plan. Outlined in the plan must be that any excavated fill stockpiled that is designated for disposal must be tested for waste classification.
- c. Measures are required in the CEMP to minimise the impact of construction noise according to the EPA Interim Construction Noise Guideline.
- d. Condition required in the CEMP to limit dust.
- e. Sediment and erosion controls are required according to plans provided in plan reference C03-P8 dated 03.02.2022 and in accordance with "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004).
- f. Unexpected finds protocol to be included in the CEMP.
- g. Stop work protocol to be included in the CEMP for any potential heritage items found during excavation or other works.
- h. Management of Fuels and Chemicals.

### **16. Engineer Designed Pavement (Residential)**

The vehicle pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Pavement to comply with Australian Standard '*Guide to Residential Pavements*' (AS 3727-1993 or subsequent amendments). These details must be submitted with application for a Construction Certificate.

### **17. Car Washing Facility**

Prior to the issue of a Construction Certificate plans must be submitted to the Principal Certifier for approval detailing the provision of one resident visitor space that is equipped for the washing of cars for the residents of the development.

The space must be suitably signed, be provided with a water tap and waste water drainage.



## **18. Wind Mitigation Recommendations**

Prior to issue of a Construction Certificate detailed plans of the treatments recommended in the approved Pedestrian Wind Environment Statement reference WG154-01CF02(REV2) - WS REPORT (C2) dated 02.02.2022, are to be submitted to the Principal Certifier for approval.

## **19. Groundwater Impacts**

Prior to the issue of a Construction Certificate plans must be submitted to the Principal Certifier for approval that include details of the recommendations made in Section 4.6 of the Geotechnical Investigation Report reference 3001886-R08 dated 15.07.2020.

These recommendations must be implemented during construction works.

## **20. Acoustic Impacts**

Prior to the issue of a Construction Certificate plans must be submitted to the Principal Certifier for approval that include details of the recommendations made in the Acoustic Assessment Report reference 20210531.1 dated 29.07.2021.

## **21. Access to Power in Carparks**

Prior to the issue of a Construction Certificate plans must be submitted to the Principal Certifier for approval that include details of the installation of appropriate electrical infrastructure and capacity to allow at least 20% of Lot Owners (Eligible Lot Owner) to charge an electric vehicle at any one time in their own car space.

These details are to be implemented in the construction of the development.

## **22. Flooding Planning Level**

The Probable Maximum Flood (PMF) Level for this site is RL 4.3m AHD.

The Probable Maximum Flood (PMF) Level for Quayside Avenue adjacent to the basement carpark entry ramp is RL 4.77m AHD.

The Probable Maximum Flood (PMF) Level for Quayside Avenue adjacent to the residential flat is shown in Figure 2.4 of Shell Cove Boat Harbour Precinct - Precinct C2 Apartments Flood Assessment, dated 24 September 2021.

The development shall comply with the following restrictions:

- a. An IEAust NER Structural Engineer's certificate certifying that structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the PMF Level is to be submitted with the Construction Certificate Application.
- b. The basement car park must be protected from inundation to levels resulting from the PMF Level and all the openings in the basement car park must be located above the PMF level as shown in shown in Figure 2.4 of Shell Cove Boat Harbour Precinct - Precinct C2 Apartments Flood Assessment.
- c. The vehicle entry ramp to the basement carpark located towards the north-western end of Quayside Avenue must have a crest level at or above the PMF Level of RL 4.77m AHD.
- d. The basement car park must have reliable access for pedestrians in the PMF event from the basement.

### **23. Long Service Levy**

The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$25,000.00.

**Note:** This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

### **24. Crime Prevention Through Environmental Design**

Prior to the issue of a Construction Certificate plans must be submitted to the Principal Certifier for approval detailing how the development has achieved the recommendations in the approved Crime Prevention Through Environmental Design report reference 2210116, dated 24.09.2021.

### **25. External Lighting Of Building**

Documentary evidence must be provided to the Principal Certifier demonstrating that the external lighting strategy of the building does not exceed the limits of the Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting. The lighting strategy must be prepared by a suitably qualified, practicing lighting engineer or lighting designer.

### **26. Metal Screens**

Prior to the issue of a Construction Certificate the following details are to be submitted to the Principal Certifier for approval:

- Mechanism that allows the metal screens on the western elevation windows to be moved or angled internally by future residents.

The details are to be implemented as approved.

## **PART C - PRIOR TO COMMENCEMENT OF WORKS**

### **27. Erosion & Runoff Controls**

Before work starts, appropriate erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses.

These controls may include the following (where applicable):

- a. erect a silt fence,
- b. limit the removal or disturbance of vegetation and topsoil,
- c. divert uncontaminated run-off around cleared or disturbed areas,
- d. install sediment traps/socks around any stormwater inlets and drainage lines,
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

These measures must be in place prior to commencement of any excavation or construction works.

## **28. Dilapidation Report**

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

## **29. Structural Details**

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

## **30. Site Management Plan**

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

## **31. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)**

Prior to any physical works within Council's road reserve such as (but not limited to) installing a driveway or connecting stormwater facilities you will need to apply for approval under Section 138 of the Roads Act. There is no additional cost as this is paid for at the time of development application.

To lodge your application you will need to submit the following information:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. traffic management plan,
- c. provision of public risk insurance and,
- d. details of timing and length of works.

## **PART D - DURING CONSTRUCTION WORKS**

### **32. Hours of Work During Building Work**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or public holiday.

### **33. Maintenance of Erosion & Runoff Controls**

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

### **34. Waste Management**

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

### **35. Storage of Materials**

Building materials and equipment must not be stored on the road reserve/footpath area.

### **36. Survey Certification**

A report from a registered surveyor must be provided to the Principal Certifier on completion of the ground floor slab formwork prior to the concrete being poured and/or prior to external walls being raised above ground floor level where there is no ground floor slab.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans,
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans, and
- c. the garage floor level complies with the garage floor level shown on the approved plans and grades comply with Council's gradient standards.

Australian Height Datum must be used.

### **37. Building Height - Survey Certification**

The building must not exceed the height shown on the approved plans.

A report from a registered surveyor must be provided to the Principal Certifier on completion of the roof frame, prior to covering the roof, certifying that the height of the building is in accordance with the approved plans.

### **38. Cut/Fill**

The cut and fill areas must:

- a. be suitably retained,
- b. be in accordance with the approved plans, and
- c. have a maximum grade of 45 degrees (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area.

### **39. Retaining Walls**

Any retaining walls must:

- a. have a maximum height of 1 metre, and
- b. be located wholly within the property, including footings and agricultural drainage lines.

Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

### **40. Excavation & Drainage Easement**

There must be no loss of support of the drainage easement as a result of excavation of the site.

### **41. Connection to Council Pit and/or Pipe**

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Shellharbour Engineering Code requirements.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's Fees & Charges.

#### **42. Approved External Materials & Colours**

The external treatment/appearance of the development must be in accordance with the approved plans reference DA1201 issue C, DA1202 issue C and DA1203 issue C drawn by Candalpas Associates dated 20.05.2022.

Pool fencing is approved as glass fencing or slatted fencing as required.

#### **43. Excavation Material**

Excavation material proposed to be reused on site must be confirmed to not be Acid Sulphate Soil (not derived from the alluvial layer).

Excavated material to be disposed of must be tested for waste classification prior to disposal.

#### **44. Contamination - Unexpected Finds Contingency**

Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment.

In the event that contamination remediation is required, all works must cease and the Council must be notified immediately. The contamination assessment must be submitted to Council for Approval.

All recommendations provided in the contamination assessment must be followed as stipulated.

#### **45. Survey Certification**

A survey certificate, signed by a Registered Surveyor, shall be submitted for approval when the formwork for the main floor area and basement entry ramp is completed. This certificate shall certify that any main floor area and basement entry will be constructed at the designed level.

#### **46. Pool Backwash - Drainage**

Should disposal of backwash from the filtration unit be required, this must be drained to the sewer.

#### **47. Driveway and/or Layback - From Kerb to Property Boundary**

A standard residential vehicular concrete driveway and layback must be constructed between the kerb and the property boundary. The driveway must:

- a. maintain a perpendicular alignment from the kerb to the property boundary line,
- b. have widths in accordance with the approved DA plans,
- c. not interfere with the existing public utility infrastructure,
- d. be located 500mm clear of all drainage structures unless suitable alternative provided (such as V-grate lid and 2m from the street tree),
- e. be finished with a slip resistant coating, and
- f. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

## **PART E - PRIOR TO OCCUPATION**

### **48. Occupation Certificate**

Compliance with all conditions of Parts A to E must be verified by the Principal Certifier prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues an Occupation Certificate.

### **49. Section 73 Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. This Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 2092.

### **50. BASIX**

All commitments listed in the BASIX Certificate for the development must be carried out prior to the issue of an Occupation Certificate.

### **51. Works As Executed - Stormwater Drainage**

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance of all drainage works with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum. These plans must be accompanied by a compliant ADAC XML digital file. All details to be in accordance with the ADAC Data Capture Guidelines specifications, which is available on Council's website.

### **52. Verification of Waste Management**

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifier prior to the issue of an Occupation Certificate. All records, such as waste disposal docketts or photographic evidence, must be retained by the Principal Certifier.

### **53. Completion of Landscape Works**

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in writing before any changes are made.

A report from a suitably qualified person must be provided to the Principal Certifier on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

#### **54. Repairs to Public Infrastructure**

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

#### **55. Sign for Visitor Parking**

A sign, legible from the street, must be permanently displayed to indicate the availability of visitor parking prior to the release of the Occupation Certificate.

#### **56. SEPP 65 Design Verification Statement**

The Principal Certifier must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the Principal Certifier has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of *-State Environmental Planning Policy No 65 Design Quality of Residential Flat Development*.

#### **57. Wind Mitigation Treatments**

The treatments and landscaping recommended in the Pedestrian Wind Environment Statement reference WG154-01CF02(REV2)- WS REPORT (C2) dated 21.09.2021 are to be in place prior to issue of an Occupation Certificate and retained in perpetuity.

#### **58. Liveable Housing Design Guidelines**

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified person must be provided to the Principal Certifier certifying that eleven (11) of the residential apartments have been constructed to meet the performance requirements of Silver Level Liveable Housing Design Guidelines (or updated standards).

#### **59. Flood Risk Signage**

Signage is to be provided in the basement carpark to warn people that the site may be subject to flooding and to follow the designated evacuation routes from the basement car park including vehicle exit ramp and fire stairs.

#### **60. Swimming Pool Registration**

The swimming pool must be registered on the NSW State Wide Swimming Pool Register prior to the issue of an Occupation Certificate.

The following details will be required during registration: owner name, address, contact details, the type of pool, and the approximate age of the pool. A 'self-assessment' checklist will also need to be completed when registering the swimming pool.

Registration of the swimming pool can be completed free of charge by visiting: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) <<http://www.swimmingpoolregister.nsw.gov.au>>



## **61. Pool Safety**

The pool must be enclosed with a fence or barrier that complies with AS1926.1-2012, the Swimming Pool Act 1992 and Swimming Pool Regulations 2018. Compliance with this requirement must be verified prior to the issue of the Occupation Certificate.

### **Note:**

- An approved resuscitation notice must be displayed.
- Gates must swing away from the pool area and must be self-closing.
- Any window that opens into the pool area must be protected in accordance with AS1926.1-2012. Council recommends that windows do not open into pool areas as any protection may obstruct egress from the building in an emergency.
- An effective fence height of 1.2m, and including the prescribed non climbable zone, must be maintained at all times.
- Boundary fences forming part of the pool fence, and including the prescribed non climbable zone, must be no less than 1800mm in height.

## **62. Certification of Adaptable Housing**

Certification must be provided from an appropriately qualified person in adaptable housing that the adaptable housing units have been designed and constructed to meet the performance requirements of Australian Standard 4299-1995 Adaptable Housing (or any subsequent version). The certification must be accompanied with relevant documentation as detailed in AS 4299-1995 and submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

## **63. Operational Management Plan**

Prior to the issue of an Occupation Certificate the developer shall submit an Operational Management Plan (OMP) to the Principal Certifier for approval. The OMP is to address all operational and management procedures to be employed, to ensure that the Communal Open Space (COS) and the landscaping area hatched in green on plan reference DA1003 issue C dated 20.05.2022, can be adequately maintained, operate safely and without disturbance to the surrounding locality.

Matters to be addressed include (but are not limited to):

- a. management of deliveries, all loading and unloading operations associated with servicing the site, including waste collection, must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way,
- b. maintenance regime - graffiti removal, upkeep of stairs and handrails within green hatched area of plan reference DA1003 issue C dated 20.05.2022,
- c. security management - lighting, CCTV, access etc, and
- d. the necessary operational and maintenance requirements of all landscaped areas. Such requirements must ensure that the landscaping is maintained in perpetuity and replacement planting is implemented in accordance with the Landscaping Plans as referenced in condition 3.
- e. operating hours for pool.
- f. building manager available to move waste bins from basement to ground floor waste collection area on collection day.

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The Operational Plan of Management is to be included and complied with as part of the bylaws of any future subsequent strata committee. No change to these bylaws in terms of this plan of management are to be permitted without prior consent of Council.

#### **64. Operational Management Plan – Positive Covenant**

Prior to the issue of any Occupation Certificate, a positive covenant is to be created under the Conveyancing Act 1919, requiring the property owner(s) to comply with the requirements of the Operation Plan of Management required via condition No. 63 above in perpetuity.

Any amendments to the Operational Plan of Management are to be undertaken in consultation with Shellharbour City Council. The Operational Plan of Management is also to be included as part of any bylaws resulting from the future strata subdivision of the property.

#### **65. Intercom for Parking Levels**

The basement parking levels must be accessible to visitors and residents by the location of an intercom (or card controller system) at the car park entry and wired to all units. The intercom must comply with Australian Standards AS1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

Such access control must be installed prior to the issue of the Occupation Certificate.

#### **66. Relevant Leases, Licenses and Easements**

Prior to issue of the Occupation Certificate the necessary leases, licenses or easements as relevant need to be obtained from the appropriate authorities including Shellharbour City Council.

This shall include a license to use the land shown as green hatched on the eastern side of the development on plan reference DA1003 issue C dated 20.05.2022 for access to lot 3008 DP1258172 including provision and upkeep of landscaping in accordance with approved landscape plans reference 101 issue F and 102 issue F dated 17.05.2022.

#### **67. Stockpile Removal**

Prior to the issue of an Occupation Certificate the stockpile resulting from excavation of the subject site is to be removed and land returned to previous state.

#### **68. Acoustic Mitigation**

Prior to the issue of an Occupation Certificate written evidence from a suitably qualified person must be submitted to the principal Certifying Authority that the acoustic mitigation measures required by the recommendations in section 5 of the Acoustic Assessment Report reference 20210531.1 dated 29.07.2021 have been implemented.

### **PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

Not Applicable

### **PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION**

#### **69. BASIX Commitments**

All commitments listed in the BASIX Certificate for the development must be maintained for the life of the development.

## **70. Car Parking Provision**

At all times the number of private parking spaces provided must be 115 spaces.

The following proportional mix must be complied with at the very minimum:

- a. minimum 1-2 spaces per 2 and/or 3 bedroom units.

Pairs of stacked parking spaces must be allocated together to the same apartment.

The number of visitor car parking spaces must be 26 vehicle spaces.

The visitor car parking spaces must always be available for visitor parking and must not at any time be allocated, sold or leased to an individual owner/occupier. In this regard, the visitor car parking spaces must form part of the common property in any future strata subdivision.

## **71. Enclosure of Balconies**

At no time shall any of the balconies within the development site be enclosed.

## **72. Air Conditioning Units to Façade**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building without screening or an enclosure.

## **73. Parking**

Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of vehicle parking loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

## **74. Waste Management**

Waste management shall be in accordance with the Waste Management Plan and shall be designed to maximise source separation and recovery of food organics and recyclables. Educational signage shall be provided in all waste storage rooms, bulky waste storage rooms and FOGO storage rooms to clearly identify food organics and garden organics (FOGO), garbage, and recycling bins, and the materials accepted in each.

The communal waste, bulky waste and FOGO storage area or room/s shall be sized to meet the waste and recycling needs of all future tenants and designed so that the size and layout is capable of accommodating reasonable future changes in use of the development. Design and construction of the storage area shall prevent the egress of vermin. A central floor waste shall be provided for cleaning purposes in accordance with the requirements of Sydney Water.

Between collection periods, all waste/recycling materials generated onsite will be securely enclosed in bins and stored in the designated bin storage rooms and these rooms maintained to a reasonable standard in terms of hygiene and cleanliness.

## **75. Plan of Management**

The development shall be managed by the Plan of Management (POM) as required by condition 63 in perpetuity.

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## 76. Offensive Noise

The use of the Communal Open Space including the swimming pool must not give rise to the transmission of offensive noise. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

## PART H – OTHER APPROVALS

### 77. Endeavour Energy

**Development Application and Planning Proposal Review  
NSW Planning Portal Concurrence and Referral**



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Shellharbour City Council	DA0606/2021	CNR-29917	Madeline Cartwright	18/10/2021	8/11/2021	28/10/2021

Address	Land Title
THE PROMONTORY DRIVE SHELL COVE 2529	Lot 9009 DP 1254656

**Scope of Development Application or Planning Proposal**

Construction of two five storey residential flat buildings and two level basement.

**As shown in the below site plan from Endeavour Energy's G/Net master facility model:**

In regard to the site / proposed Lot 3008 there are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage underground cables to parts of Quayside Avenue and The Promontory Drive road verges / roadways.
- In a 'Developer Area' indicated by the proposed subdivision / road layout.



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Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by  .

Con- d- i- t- i- o- n	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input type="checkbox"/>	5	Bushfire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	17	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

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Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	24	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input type="checkbox"/>	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995 (NSW)</i> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers need to be provided to avoid the creation of climb point appropriate to the electricity infrastructure being protected.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and result in the interruption of supply.

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Con- d- i- t- i- o- n	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy		
Completed by:	Easement Management Region:	Decision
Cornelis Duba	South	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)		
<ul style="list-style-type: none"><li>Any modification to any existing enquiries and applications for connection of load or contestable works projects must be referred to Endeavour Energy's Customer Network Solutions Branch.</li><li>Provision made for padmount substation. Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure the substation location and design complies with Endeavour Energy's standards for the suitability of access, safety clearances, fire ratings, flooding etc.</li></ul>		

Yours faithfully  
Cornelis Duba  
Development Application Specialist  
Sustainability & Environment  
M: 0455 250 981  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



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### **REASONS FOR THE IMPOSITION OF CONDITIONS**

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

<b>Advisory Notes – Project Specific</b>
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#### **Flood Emergency Kit**

A Flood Emergency Kit should be prepared to the satisfaction of the Principle Certifying Authority prior to issue of the Occupation Certificate. The kit should be located within a habitable room in which the floor level is at or above the PMF level, and made conspicuous and easily accessible to occupants and visitors at all times. The Kit should include but not be limited to the following items as minimum:

- a. A Flood Emergency Response letter, prepared by a practicing engineer with experience in Floodplain Risk Management, that details;
  - local flood; levels, depths, duration, timing, extents, dwelling floor levels and their relationship to local flood levels
  - closest PMF refuge areas and safe evacuation routes (both internal and external to site)
  - dwelling floor levels and relationship to local flood levels
  - possibility of over floor flooding and expected depths
  - possibility of local roads being closed due to flooding,
  - the need and capability for occupants to wade out or use a vehicle to escape rising flood water
  - access and egress availability for emergency services
  - consideration of local Emergency Plans and Council adopted Flood Study recommendations
- b. Emergency service contact information (SES, Police, Ambulance, Hospital etc)
- c. Provision of emergency communications ie battery operated AM/FM radio and Two-way radios etc
- d. Food, water, First Aid, medical supplies, batteries, chargers and other essential supplies for all occupants and visitors if a stay-in-place evacuation strategy is advised by the SES

<b>Advisory Notes - General</b>
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#### **Critical Stage Mandatory Inspections**

Mandatory inspections of the building work must be carried out by the Principal Certifier at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

It is recommended that you discuss with your Principal Certifier the occasions when the building work is to be inspected prior to work commencing.



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### **Erection of Signs**

The principal contractor and the Principal Certifier will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifier can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifier identification.

### **SafeWork NSW**

The requirements of SafeWork NSW must be satisfied at all times.

### **Failure to Comply with Consent**

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance.

### **Lapsing of Development Consent**

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses seven years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

### **Right to Appeal**

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within twelve months after the date on which you receive this notice.

### **Review of Determination**

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

### **To Vary Development Consent**

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

### **BASIX**

Please note that the requirement for lodging a modification of development consent under section 4.55 of the *Environmental Planning & Assessment Act 1979* may result in the requirement for a revised BASIX certificate to be submitted for assessment.

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### **Prescribed Payment System Tax Obligations**

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

### **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) <<http://www.1100.com.au/>> or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### **Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

### **Development within Vicinity of a High Pressure Gas Main**

Contact Dial Before You Dig on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) <<http://www.dialbeforeyoudig.com.au/>> Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd  
PO Box 6507  
SILVERWATER NSW 2128

Attention: Land Services Department

**END OF NOTICE**