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DX 26402 Shellharbour City Centre

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**

*Issued under the Environmental Planning and Assessment Act 1979 Section 81(1)(a)*

Being the applicant of Development Application No. DA0032/2016 for consent to the following development:

**40 LOT TORRENS SUBDIVISION AND CONSTRUCTION OF 40 TOWNHOUSES  
WITH GARAGES AND LANDSCAPE WORKS**

**Lot 1279 DP 1175512**

**THE FARM WAY SHELL COVE NSW 2529**

**Determination date of consent:** 10 October 2016

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

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT BY THE JOINT REGIONAL PLANNING PANEL (SOUTHERN REGION) NO. 2016STH009 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.



Anthony Randall  
**Team Leader Planning**

**PART A – ADMINISTRATIVE CONDITIONS**

**1. Construction Certificate & PCA Notification  
 Environmental Planning & Assessment Act 1979 Section 81A**

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 Certifying Authority.

**2. Prescribed Conditions**

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

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

The development must be in accordance with the approved Development Application plans as endorsed by Council's stamp except as modified by conditions of this consent.

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Drawing/Document No./Revision</b>	<b>Date</b>
Indicative Staging Plan	Frasers Property	-	11.12.2015
Waste Management Plan – Construction Phase	-	-	As lodged with DA
Statement of Environmental Effects	JBA Urban Planning Consultants	Stages 89-92 Precinct C1	December 2015
Appendix A – Traffic	LFA (Pacific) Pty Ltd	-	February 2010
Appendix C – Contamination	LFA (Pacific) Pty Ltd	-	February 2010
Appendix D – Geotechnical	LFA (Pacific) Pty Ltd	-	February 2010
Appendix J – Air Quality And Noise	LFA (Pacific) Pty Ltd	-	February 2010
BASIX Certificate	Victor Lin & Associates Pty Ltd	Stage 89-91 _ Certificate No. 671033M_03	07.12.2015
		Stage 90-92 - Certificate No. 689956M_02	08.12.2015
Site Plan – Ground Floor Plan	Frasers Property	Dwg No.2.1 Version C	01.09.2015

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Date
First Floor Plan	Frasers Property	Dwg No.2.2 Version C	01.09.2015
-Streetscapes	Frasers Property	Dwg No.3.1 Version C	01.09.2015
CN8901-8903 Architectural Plans	Frasers Property	Dwg No.5.1 – 5.3 Version C	30.11.2015
CN8904-8906 Plans & Elevations	Frasers Property	Dwg No.5.4 Version C	30.11.2015
CN8904 Garage Plans, Elevations & Sections	Frasers Property	Dwg No.5.6 Version C	30.11.2015
CN8905 – CN8906 Garage Plans, Elevation & Sections	Frasers Property	Dwg No.5.7 Version C	30.11.2015
CN8907-8908 Architectural Plans	Frasers Property	Dwg No.5.08 – 5.10 Version C	30.11.2015
CN8909-8910 Architectural Plans	Frasers Property	Dwg No.5.11 – 5.13 Version C	30.11.2015
CN9101-9102 Plans, Elevations & Sections	Frasers Property	Dwg No.5.14 Version C	30.11.2015
CN9103-9105 Architectural Plans	Frasers Property	Dwg No.5.15-5.17 Version C	30.11.2015
CN9106-9108 Architectural Plans	Frasers Property	Dwg No.5.18-5.19 Version C	30.11.2015
CN9106 – CN9107 Garage Plans, Elevations & Sections	Frasers Property	Dwg No.5.20 Version C	30.11.2015
CN9108 Garage Plans, Elevations & Sections	Frasers Property	Dwg No. 5.21 Version C	30.11.2015
<b>Stage 90-92:</b>			
Lot Plan	Frasers Property	Dwg No.1.1 Version D	30.11.2015
Built Upon Area & POS	Frasers Property	Dwg No.1.2 Version D	30.11.2015
Overall Site Plan	Frasers Property	Dwg No. 1.3 Version D	30.11.2015
Floor Plans	Frasers Property	Dwg. No. 2.1 – 2.2 Version D	30.11.2015
Streetscapes	Frasers Property	Dwg No.3.1 – 3.2 Version D	30.11.2015
Architectural Plans	Frasers Property	Dwg No.5.1/D – 5.16/D	30.11.2015
Finishes Palette (Colour Scheme)	Arkee Creative		As lodged with DA

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Date
Landscape Plans	Ecodesign	L-01 – L-05 Rev. C	25.11.2015

- \* 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 any notations highlighted on the approved plans and specifications.

### PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

#### 5. Amendments to Approved Plans

The amendments described below must be incorporated into the development and must be shown on the plans prepared for the purpose of obtaining a Construction Certificate:

- a. the kitchen window of the studio dwellings is to have a sill height of at least 1500mm above floor level or have obscure glazing up to 1500mm above floor level. The intent of this is to minimise overlooking into the rear open space of the dwelling on the same allotment, noting that the studio dwelling may have separate occupancy,
- b. the large window of the kitchen-living/dining area of the studio dwellings is to be redesigned to minimise overlooking into the neighbouring open space area, or its location on this elevation be switched with the smaller window on the same elevation.
- c. where an upper level window on the side elevations of a dwelling will directly face a window of an adjoining dwelling, the window must be offset by at least 0.5m, or must have a sill height of at least 1500mm above floor level or must have obscure glazing 1.5m above floor level,
- d. the acoustic attenuation measures for dwellings, excluding the use of an acoustic boundary fence, located within 40m of the Harbour Boulevard must be in accordance with 'The Assessment of Air Quality and Noise' prepared by Wilkinson Murray Pty Limited Report no. 05135-CP Version E dated January 2010.

#### 6. Section 94 Contributions

A contribution must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Construction Certificate for each stage. This amount has been calculated in accordance with Shellharbour City Council's Section 94 Contributions Plan 2013 dated 18 December 2013. The

contribution amount for each stage is:

- Stage 1 - \$ 119,008.11
- Stage 2 - \$ 97,370.27
- Stage 3 - \$ 75,732.43
- Stage 4 - \$ 97,370.27

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>

## **7. Street Tree Inspection Fee**

The developer must lodge with Council an inspection fee of \$89 in accordance with Council's *Fees and Charges* for:

- street tree inspection prior to occupation of the development
- street tree inspection following completion of the maintenance period

prior to the issue of the Construction Certificate.

## **8. Utilities - 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. The new Tap in™ online self-service replaces QuickCheck agents as of 30 November 2015.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Sydney Water Tap in™ [www.sydneywater.com.au/SA/plumbing-building-developing/building/sydney-water-tap-in/index.htm](http://www.sydneywater.com.au/SA/plumbing-building-developing/building/sydney-water-tap-in/index.htm) and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building & Developing then Building & Renovating

or telephone 13 20 92.

The Certifier must ensure that Sydney Water Tap in™ has issued appropriate electronic approval.

## **9. Soil and Water Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan. The SWMP must clearly identify site features, constraints and soil types together with the

nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials.
- e. control surface water flows through the development construction site on a manner that:
  - i. diverts clean run-off around disturbed areas.
  - ii. minimises slope gradient and flow distance within disturbed areas.
  - iii. ensures surface run-off occurs at non-erodible velocities.
  - iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping).
- g. specifies measures to control dust generated as a result of construction activities on site.
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures.
- J. including measures to prevent the tracking of sediment off the site.

#### **10. 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. drain to the street,
- b. 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,

- c. be to the satisfaction of the Certifying Authority,
- d. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- e. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- f. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- g. 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.

#### **11. Pit at Property Boundary**

All stormwater drainage to go to pit just within and adjacent to property boundary prior to discharge. This pit shall have a debris screen installed.

#### **12. Driveway Finishes**

The surface finish of the driveway within the property must include at least two different materials and/or colours to break up the visual impact of the driveway and compliment the development. Uncoloured concrete is not acceptable as the dominant material. Details are to be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.

#### **13. Site Facilities - Australia Post**

- a. Location points for mail delivery must satisfy the requirements of Australia Post.
- b. Street numbers must be obtained from Council's GIS Department during normal office hours, prior to the issue of a Construction Certificate. The allocated street numbers must be clearly shown on the Construction Certificate drawing.

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

#### **14. Soil and Water Management Plan Implementation (SWMP)**

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

#### **15. 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.

## **16. 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.

## **17. Protection Fencing**

The vegetation/street tree protection fencing must be installed prior to works commencing.

## **18. 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
- 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

## **19. Section 138 Roads Act 1993**

For works within the road reserve, the requirements of the Section 138 of the *Roads Act 1993* apply. In this regard:

- If a driveway is proposed, a Driveway Application must be made, or
- If any other works are proposed and/or occupation of the road reserve



proposed, a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's *Fees and Charges* will apply.

## **20. Public Liability**

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

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

### **21. Storage of Materials**

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

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

Noise generating activities, including demolition, excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays
- 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays

### **23. Maintenance of Soil and Water Management Plan (SWMP)**

The soil and water management controls must be maintained at all times during each stage of the development 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, and
- b. drains, gutters and roads are maintained clear of sediment at all times.

**Note:** 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.

## **24. 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.

## **25. Retaining Walls**

Any retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the retaining wall to have a minimum boundary setback of 200mm.

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

## **26. 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 Council's Subdivision 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.

## **27. Protection Fencing**

The vegetation/street tree protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

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

The external treatment/appearance of the development must be in accordance with the approved Finishes Palette Shell Cove - The Waterfront prepared by Arkee Creative Drawing No. CN9201-9210 and CN9001-9012 .

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

### **29. BASIX**

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

### **30. Occupation Certificate**

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the Environmental Planning & Assessment Act 1979.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

### **31. Sydney Water Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 2092 for assistance. Please make early application 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### **32. Electricity Supply**

Prior to the release of the Occupation Certificate for the development, the relevant electricity provider must provide written advice to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied.

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

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted 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.

### **34. 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 Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

### **35. Fence Installation**

A 1.8m high fence enclosing the open space area of each dwelling and located in accordance with the approved landscape plan must be installed prior to the issue of an Occupation Certificate.

### **36. 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.

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

### **TORRENS TITLE SUBDIVISION**

#### **37. Final Plan of Subdivision**

Prior to the release of the final plan of subdivision, it will be necessary to obtain a Subdivision Certificate. In this regard, it will be necessary to submit:

- a. an application for a Subdivision Certificate,
- b. five paper prints of the final plan of subdivision,
- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) coordinates and must contain closed linework of boundaries and easements. It must be submitted in DWG or DXF format on cd-rom or by email to [traffic&subdivision@shellharbour.nsw.gov.au](mailto:traffic&subdivision@shellharbour.nsw.gov.au) The email and the electronic copy should be named "Subdivision Title & Stage - DA No/Year Street Address Final Plan".

All sections of the plan, 88B Instrument and Administration Sheet including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.

### **38. Works As Executed Plans - Subdivision**

Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. As a minimum the plan must show:

- a. compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines,
- b. certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement,
- c. compliance with the approved design plans of paved areas within rights of carriageway and road reserve,
- d. the extent, depth and final levels of filling,
- e. the location of all underground service conduits, and
- f. all deviations from the approved Civil Engineering Plans.

All levels must relate to Australian Height Datum.

### **39. Services & 88B Instrument**

Lots affected by new or existing utility services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider.

Restrictions must be placed on title with respect to:

- a. access and maintenance for structures on the boundary or immediately adjacent to,
- b. the provision of legal and practical access (e.g. reciprocal rights of carriageway),
- c. landscaping on boundaries, and
- d. drainage structures.
- e. kerbside collection of waste is not permitted from Harbour Boulevard,
- f. vehicular access for those lots having frontage to Harbour Boulevard is not permitted from Harbour Boulevard,
- g. acoustic attenuation, for lots within 40m of Harbour Boulevard in accordance with 'The Assessment of Air Quality and Noise' prepared by Wilkinson Murray Pty Limited Report no. 05135-CP Version E dated January 2010, excluding acoustic boundary fencing, and
- h. general fill.

#### 40. Release of Certificate

The Subdivision Certificate must not be released until the walls of the dwellings and garages have been constructed to a minimum height of 1m above ground level. Evidence that this requirement has been satisfied must be provided in the form of a registered surveyor's identification survey report. This survey report must show all allotment boundaries and the position of the buildings in relation to the boundaries. The distance of the buildings to the boundaries must be in accordance with the approved plans.

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

#### 41. BASIX Commitments

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

### **PART H – OTHER APPROVALS**

Nil

### **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 – General</b>
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#### **Critical Stage Mandatory Inspections**

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority 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 Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

#### **Erection of Signs**

The principal contractor and the Principal Certifying Authority 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

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work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority 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 Certifying Authority identification.

#### **WorkCover Authority**

The requirements of WorkCover Authority must be satisfied at all times.

#### **Obstacle Height Limitation - Airport**

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

#### **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 section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five 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, section 97 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

#### **Review of Determination**

If you are dissatisfied with this decision, section 82A 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.

Section 82A 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 96 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 96 of the *Environmental Planning & Assessment Act 1979* may result in the requirement for a revised BASIX certificate to be submitted for assessment.

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

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the

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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) 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 (Cth)* 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). 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