

**PLANNING PANEL (SOUTH)**  
**ADDENDUM TO COUNCIL REPORT COVER SHEET**

<b>Panel Reference</b>	<b>PPSSTH-119</b>
<b>DA Number</b>	<b>DA0606/2021</b>
<b>LGA</b>	<b>Shellharbour City Council</b>
<b>Proposed Development</b>	Construction Of Two Residential Flat Buildings containing 52 apartments, with basement parking and landscaping.
<b>Development Characterisation</b>	<b>Residential Flat Building</b>
<b>Location</b>	Lot 3007 and Lot 3000 DP1258171 (Formerly Lot 9009 DP1254656) The Promontory Drive Shell Cove 2529
<b>Applicant/Owner</b>	Australand Corp. (Frasers Australia) - Applicant Shellharbour City Council (landowner)
<b>Date of DA lodgement</b>	1 October 2021
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – recommended conditions
<b>Report prepared by</b>	Madeline Cartwright, Principal Planner – Development Assessment
<b>Date of report</b>	1 June 2022

The purpose of this report is to provide the Panel with amended conditions in accordance with the advice following the final briefing for PPSSTH-119 held on 31 May 2022 at Shellharbour City Council Offices.

The recommended conditions have been included in their entirety as attachment 1 of this report. The conditions that have been amended are detailed as follows:

- **Condition 19 – Groundwater impacts**

This condition has been amended to include requirements for details to be approved by the Certifier and implemented during construction works.

Original Condition

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

Amended condition with changes highlighted

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.

- **Condition 20 – Acoustic Impacts**

This condition has been amended to include requirements for details to be approved by the Certifier.

Original Condition

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

Amended condition with changes highlighted

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.

- **Condition 26 – Metal Screens**

This condition has been added to ensure the metal screens on the western elevation are suitable movable for future residents.

New condition

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.

- **Condition 63 - Operational Management Plan**

This condition has been amended to ensure that the operational plan of management is included as part of the bylaws of any future subsequent strata committee.

#### Original Condition

The developer shall prepare an Operational Management Plan which addresses 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,
- 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.

#### Amended condition with changes highlighted

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.

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.

- **Condition 64 – Operational Management Plan – Positive Covenant**

This condition has been added to ensure that the requirements of the operational management plan as required by condition 63 are applied to the development in perpetuity. The previous condition requiring a restriction on title has been removed.

New condition

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.

- **Condition 66 – Relevant Leases, Licences and Easements**

This condition has been amended to detail the inclusion of the area of public land to be used for private access to the development and associated landscaping. This condition has been reviewed by Council's Property Team who will ultimately issue the licence and is acceptable.

Original condition

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.

Amended condition with changes highlighted

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.