

Attachment 1: (Amended) Conditions of Consent

DEFERRED COMMENCEMENT

Under section 4.16(3) of the Act, this development application has been determined by granting of Deferred Commencement consent, subject to the following matter(s):

- i. The Development Consent shall not operate until Council has been satisfied as to the following matters:

- a. Registration of Right of Carriageway and Easement for Electricity Purposes

The developer, at no cost to Council, must obtain an easement Lot 15 DP 238804 for the purpose of a Right of Carriageway.

The Right of Carriageway should be a minimum of 6 metres wide or wider where necessary to allow for adequate access and vehicle circulation.

The easement must be registered with Land Registry NSW.

- ii. The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with.
 - iii. If compliance with the matters contained in condition number (i) necessitate a substantial variation to the development approved by this deferred commencement consent, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

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.

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 Plan	Couvaras Architects	Sheet 02, Issue H	31.10.2022
Ground Floor Plan	Couvaras Architects	Sheet 03, Issue I	31.10.2022
Level 1 Floor Plan	Couvaras Architects	Sheet 04, Issue H	31.10.2022
Level 2 Floor Plan	Couvaras Architects	Sheet 05, Issue H	31.10.2022
Level 3 Floor Plan	Couvaras Architects	Sheet 05.1, Issue H	31.10.2022
Roof Plan	Couvaras Architects	Sheet 06, Issue H	31.10.2022
Adaptable and Livable Plans	Couvaras Architects	Sheet 07, Issue H	31.10.2022
Elevations	Couvaras Architects	Sheet 08, Issue H	31.10.2022
Elevations	Couvaras Architects	Sheet 09, Issue H	31.10.2022
Sections	Couvaras Architects	Sheet 11, Issue H	31.10.2022
Sections	Couvaras Architects	Sheet , Issue H	31.10.2022
Detailed Façade Section	Couvaras Architects	Sheet 13, Issue H	31.10.2022
Construction Management Plan	Couvaras Architects	Sheet 15, Issue H	31.10.2022
Waste Management Plan	Couvaras Architects	Sheet 16, Issue I	31.10.2022
External Finishes	Couvaras Architects	Sheet 17, Issue H	31.10.2022
Demolition Plan	Couvaras Architects	Sheet 20, Issue H	31.10.2022
Structural Design Statement	Greenview Consulting	Ref 220189	15.08.2022
BASIX Certificate*	Certified Energy 1	No: 1293262M_02	02.11.2022
Landscape Plan	Zenith Landscape Designs	LO1, LO2, LO3 Rev A	20.10.2022
Notes & Legends	Greenview Consulting	C01, Rev 3	26.10.2022
Ground Floor Drainage Plan	Greenview Consulting	C02, Rev 3	26.10.2022
Level 1 Drainage Plan	Greenview Consulting	C03, Rev 3	26.10.2022
Site Stormwater Details Sheet 1	Greenview Consulting	C010, Rev 3	26.10.2022
Preliminary Site Investigation	JBS&G Australia Pty Ltd	62949/145415 (Rev 3)	17.05.2022
Waste Management Plan	MRA Consulting Group	Version 1.1	03.11.2022
NatHERS Certificate *	Certified Energy	No: 0007170459-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366594-01	01.11.2022
NatHERS Certificate *	Certified Energy	No: 0007170467-02	01.11.2022
NatHERS Certificate *	Certified Energy	No: 0007170475-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007170483-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366602-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366636-01	01.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366628-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366644-01	02.11.2022
NatHERS Certificate *	Certified Energy	No: 0007366537-01	01.11.2022

* The approved BASIX and NatHERS Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX and/or NatHERS 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.

5. Endeavour Energy

Correspondence has been received from Endeavour Energy dated 24 June 2022 and as attached to this consent at 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 Version 3 dated April 2022'. This document can be found on the Planning Portal under 'Agency Advice'.

6. House Numbering

House numbering will be as follows:

Unit	Street Number	Street Name	Street Type	Locality
Retail	G01/37	Addison	Street	Shellharbour
1.01	101/37	Addison	Street	Shellharbour
1.02	102/37	Addison	Street	Shellharbour
1.03	103/37	Addison	Street	Shellharbour
1.04	104/37	Addison	Street	Shellharbour
2.01	201/37	Addison	Street	Shellharbour
2.02	202/37	Addison	Street	Shellharbour
2.03	203/37	Addison	Street	Shellharbour
2.04	204/37	Addison	Street	Shellharbour
3.01	301/37	Addison	Street	Shellharbour
3.02	302/37	Addison	Street	Shellharbour

- Addresses should be included on the Development Application plans, Construction Certificate and any future Strata Plans and ensure lot numbers on the Subdivision admin sheet are the same as Unit & house numbers on DA & construction plans.
- 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.
- Letterboxes should be visible from the street and clearly numbered according to the address allocated with both unit and street numbers.

7. Utility Services

The developer must meet the full costs to adjust/repair/relocate any affected utility services. The developer must make the necessary arrangements and upgrades with the service authorities.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. Section 7.11 Development Contributions

A contribution of \$113,237.14, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with *Shellharbour City Council's Local Infrastructure Contributions Plan 2019 9th Review (Amendment 1) 6 June 2022* in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$98,746.56

- Non-residential contribution – Nil (less than 80m²)
- Payment In Lieu of two (2) Car Parking Spaces - \$14,490.58

Open Space contribution	\$23,020.16
Community Infrastructure contribution	\$66,297.76
Roads & Traffic Infrastructure contribution	\$1,697.84
Drainage contribution	\$0
Administration contribution	\$7,730.80
Car parking spaces (in lieu of two spaces)	\$14,490.58
Total contribution payable	\$113,237.14

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

9. Development Assessment - 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

<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3DDePi%20AND%20Year%3D2002%20AND%20No%3D530&nohits=y>.

10. 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.

11. 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 the concept drainage plans Ref No. 220189 revision 3 prepared by Greenview Consulting dated 26.10.2022,
- b. drain to the street, directly adjacent to the development site only,
- 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 size of all pipelines,

- d. be to 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 a 1 in 100 year Average Recurrence Interval storm event,
- g. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- h. provide a means to collect and drain water from the trapped low point in the ground floor parking area.

12. 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.

13. Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The 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. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out by Council or a Council approved contractor at the Developer's expense, including all alteration to public infrastructure where necessary.

14. 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.

15. Required Design Changes

Prior to the issue of a Construction Certificate, plans detailing the following design changes are to be submitted to the Principal Certifier for approval. The following design changes are required as follows:

- a. Bicycle racks capacity of accommodating five (5) bicycles are to be provided within the car parking level near the lift;
- b. The length of the awning along the Addison Street frontage is to be increased to cover the entire front elevation to provide continuous weather protection for pedestrians. The awning shall also be increased in depth to be a consistent width of between 2.7 - 3.0 m allowing for a minimum 600 mm setback from the vertical face of the kerb at Addison Street.

- c. All clothes lines are to be appropriately located to minimise view from the public domain. To achieve this the clothes line can be either re-located or a screen installed to minimise visibility whilst permitting air and sunlight
- d. A fixed privacy screen with a minimum height of 1.7m must be installed along the eastern elevation of the southern private open space of Unit 3.02.
- e. A fixed privacy screen or blade wall with a minimum height of 1.7m must be installed along the western elevation of the southern private open space of Unit 3.02.

16. Required Design Changes - Landscape

Prior to the issue of a Construction Certificate, plans detailing the following design changes are to be submitted to the Principal Certifier for approval. The following design changes area required as follows:

- a. *Elaeocarpus eumundii* must be replaced with *Tristanianopsis laurina* "Luscious",
- b. *Virburnum tinus* must be replaced with *Acmena smithii* "Cherry Surprise",

17. Acoustics

Prior to the issue of the Construction Certificate, an acoustic report shall be submitted to and approved by the Principal Certifier demonstrating that the design of the walls and windows of Units 1.02 and 1.03 adjoining the communal open space comply with a minimum 5 star rating in accordance with the Guideline for Apartment and Townhouse Acoustic Rating by Association of Australasian Acoustical Consultants.

18. Car Wash Bay

One residential visitor space shall also serve as a car wash bay for the use of the residents.

Plans and specifications of the car washing system which have been approved by Sydney Water must be submitted with the application for the Construction Certificate. The car wash bay area must be provided with a tap and bunded with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

19. Slip Resistance- Commercial, Retail & Residential Developments

All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

20. Residential - Waste Management

The following waste facilities will be required:-

- a. General Waste: 2 x 1,100L – serviced fortnightly
- b. Recycling: 2 x 1,100L – serviced fortnightly
- c. FOGO: 3 x 240L – serviced weekly

All waste and recycling containers are to be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

21. Retail - Waste Management

The following waste facilities will be required:-

- a. General Waste: 1 x 240L waste bins – serviced weekly
- b. Recycling: 2 x 240L recycle bins – serviced weekly

All waste and recycling containers are to be stored in an approved waste storage area that is large enough to store the required number of bins.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to arrange alternative arrangements.

26 Demolition and Construction Management Plan (DCMP)

Prior to the issue of any Construction Certificate, a Demolition and Construction Management Plan must be submitted for approval by the Principal Certifier, and must include the following measures:

- a. dedicated construction site entrances and exits, controlled by a traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
- b. turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site;
- c. the location of proposed Work Zones in the egress frontage roadways;
- d. location of any proposed crane standing areas;
- e. a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- f. material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- g. the provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible, or other arrangements to ensure that employees, tradesperson and construction vehicles are not parking within the adjoining car parking area;
- h. a detailed description and route map of the proposed route for vehicles involved in spoil removal and demolition material removal material delivery and a copy of this route is to be made available to all contractors;
- i. a detailed description of locations that will be used for layover for trucks waiting to access the construction site;

- j. construction program that references peak construction activities and proposed construction;
- k. any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- l. alignment with the approved waste management plan and any requirements for the disposal of contaminated waste materials;
- m. location of protective site fencing, including tree protection methods;
- n. location of site storage areas/offices/equipment;
- o. management of Fuels and Chemicals;
- p. unexpected contamination finds and stop work protocols;
- q. cultural heritage stop work protocol;
- r. location of building materials for construction, e.g. stockpiles;
- s. provisions for public safety;
- t. provisions for temporary sanitary facilities;
- u. location and size of waste containers/skip bins;
- v. method used to provide construction noise and vibration management;
- w. methodology utilised for the protection of the Heritage item on the site and on nearby sites;
- x. construction traffic management details consistent with other required amendments.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Construction Management Plan must be retained on site and is to be made available upon request.

It is the developer's responsibility to adequately inform all construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management procedures are adhered to at all times.

27. Sediment and Erosion Controls

Sediment and erosion controls are to be installed as outlined in the Construction Environmental Management Plan/sediment erosion control plan and maintained appropriately throughout construction.

28. Construction Traffic Management Plan (CTMP)

Prior to the release of Construction Certificate, a CTMP detailing vehicle routes, number of trucks, access arrangements, impact on pedestrians and traffic control must be prepared and provided to the Principal Certifier.

The regular use of the public vehicle parking area (Addison and Mary Street) for construction workers vehicles is not supported. The applicant must make alternate arrangements that do not rely on the public car park.

It is the developer's responsibility to adequately inform all construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Plan procedures are adhered to at all times.

29. Vibration Control Plan

A Vibration Control Plan that ensures vibration remains within acceptable levels and minimises the potential effects of vibration must be submitted to the Principal Certifier for approval, prior to the release of the Construction Certificate.

The plan must detail monitoring to be implemented and alarm levels selected in accordance with the type of structures present within the zone of influence of the proposed excavation.

30. Site Facilities - Australia Post

- a. Location points for mail delivery must satisfy the requirements of Australia Post.
- b. Mail boxes at the front door must be lockable by separate keys, using locks that cannot be opened by common master keys. The mailbox area is to be well lit and secured by the main entry door not accessible to external patrons.

31. Lighting

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

32. Pavement Materials of Footway Area

The footway area between the adopted building line and the kerb and gutter in Addison Street, must be paved for its full width. Plans are to be submitted for review and approval by the Principal Certifier prior to the release of the Construction Certificate demonstrating compliance.

The following specifications with Bluestone pavers are recommended for this surface treatment of the pavement facing onto Addison Street as per existing pavement on the Northern side of Addison Street.

- a. -Strength: 25mPa
- b. -Goliath GP Cement 300kg
- c. -10mm Bass Point Baisalt: 1275kg
- d. -Water Nominally: 80L/m3
- e. Additives: WR Grace or approved equal at recommended dosage rate
- f. -No air etraining agent
- g. Finish: Exposed aggregate and two coats sealer

Note: All joints in footpath to be "Connelly" key-joints with plastic strip over, finished neatly, square and flush with top of concrete, placed every 3000mm; Every fifth joint to be dowelled expansion joint.

The developer shall provide this treatment to ensure consistency of approach. This work must be carried out by Council, or a Council approved contractor, at the developer's expense.

33. Bond – Existing Street Tree (One) *Livistona australis*.

A Street Tree Bond deposit in accordance with Council's *Fees and Charges* must be lodged with Council prior to the issue of the Construction Certificate to ensure that the existing street tree (one) is maintained in the same condition as found before the start of any demolition / building work on the site.

34. Street Tree Inspection Fee

The developer must lodge with Council an inspection fee in accordance with Council's *Fees and Charges* prior to the issue of the Construction Certificate for:

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

35. Protection of Street Tree

The one existing street tree must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate.

The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree
- b. have a minimum height of 1.5m
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

36. Sub-station and/or Hydrant Booster

In the event that a padmounted substation(s) and/or fire hydrant booster valves are necessary to service the development the applicant shall consult with Council about their proposed location. Council shall agree to the location of any padmounted substation or fire hydrant booster valve prior to its construction to ensure it is appropriately located and consistent with the design of the approved development.

PART C - PRIOR TO COMMENCEMENT OF WORKS

37. Temporary Protection Plan

A Temporary Protection Plan shall be prepared by a suitably qualified person to ensure the protection of the heritage item at No. 35 Addison Street. The implementation of the protection measures recommended in the Temporary Protection Plan must be supervised by the project Heritage Consultant. Details of compliance must be demonstrated to the satisfaction of the Principal Certifier prior to the commencement of any works.

38. 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.

39. 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.

40. Protection of Public Places

Where the work involves the erection or demolition of a building and the work is likely to or will cause pedestrian or vehicular traffic in public places (e.g. a footpath) to be obstructed, diverted, rendered inconvenient and enclosed, or similar, a Class B hoarding must be erected between the work site and/or over the public place.

If existing pedestrian access is impeded or obstructed, safe alternate provision must be provided.

If a hoarding is not necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any hoarding, fence or awning must be removed when the work has been completed.

Any proposed hoarding, fence or awning proposed within the road reserve will require a specific approval under section 138 of the *Roads Act 1993*. An application fee will apply in accordance with Council's Fees and Charges.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

41. Protection Fencing

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

42. Use of Airspace – Approval under Roads Act 1993

The granting of development consent does not provide a right of occupation of the Public Road (ie awning/verandah/balcony).

The use of the airspace requires a lease under S149 of the *Roads Act 1993*. An application for use of the airspace required the approval of the Director General of the Department of Planning and Infrastructure (DP&I). Documentary evidence from the DP&I must be submitted to the Principal Certifying Authority validating that the process of obtaining approval has been initiated prior to obtaining a Construction Certificate.

Post receipt of approval from the Director General, application must be made to the Council for a lease. Fees and charges will apply in accordance with the adopted fees and charges prevailing at the time.

43. 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.

44. 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.

45. Public Liability

Prior to the commencement of works over Councils land, 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

46. Hours for Carrying Out of Any 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.

47. Compliance with Report Recommendations

- a. The recommendations of the approved Preliminary Site Investigation prepared by JBS&G dated 17 May 2022 are to be fully complied with;
- b. The recommendations of the approved Structural Design Statement prepared by Greenview Consulting are to be complied with; and
- c. The recommendations of the Temporary Protection Plan as required by condition 37 of this consent are to be fully complied with.

Details demonstrating compliance shall be submitted to the Principal Certifier.

48. 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.

49. Protection Fencing

The 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.

50. Retaining Wall on Boundary

All retaining walls must 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.

51. Works In, On or Over a Public Road

In accordance with section 142(i)(a) of the *Roads Act 1993* the person who has a right to the control, use or benefit of a structure or work in, on or over a public road (namely a footpath crossing), must maintain the structure or work in a satisfactory state of repair.

52. Demolition and Construction Management Plan (DCMP)

All measures outlined in the DCMP are to be adhered to throughout the construction phase of the development.

53. 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.

54. Storage of Materials

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

55. 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.

56. 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.

57. 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 45o (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area.

58. Redundant Driveway from Kerb to Property Boundary

The redundant vehicular concrete driveway must be removed and the area appropriately turfed and/or paved in a manner that conforms with the adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

59. Redundant Vehicular Layback

All redundant vehicular layback crossing/s must be removed and replaced with kerb and gutter to match existing. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

60. Driveway and Layback - From Kerb to Property Boundary

A standard industrial 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 a minimum width of 6m,
- c. not interfere with the existing public utility infrastructure,
- d. be located 500mm clear of all drainage structures 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.

61. Unexpected Finds Contingency - Contamination

Should any contamination or suspect material be encountered during the hazardous materials survey, 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.

62. Demolition - WorkCover, AS2601 & Work Health and Safety Act 2011

Demolition work must:

- a. be carried out in accordance with the requirements, of the WorkCover Authority of New South Wales
- c. be carried out in accordance with the Work Health and Safety Act 2011
- d. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos, and
- e. be carried out in accordance with the provisions of AS 2601-2001: The Demolition of Structures (or subsequent edition/s).

63. Protection of Property

The structural integrity of adjoining properties and structures must be protected at all times during construction. All costs associated to any ramification works are strictly borne on the developer

64. Records of Disposal

All records demonstrating the lawful disposal of construction waste and recycling must be retained and kept readily available for inspection by regulatory authorities such as Council, Department of Environment and Heritage or WorkCover NSW.

PART E - PRIOR TO OCCUPATION

65. 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.

66. 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 > Plumbing, building and developing > Developing > Land

development or telephone 13 2092.

67. BASIX

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

68. 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.

69. Landscaping Irrigation of Common Landscape Areas

All common and private landscape areas including all planter boxes are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifier, prior to the issue of any Occupation Certificate.

70. 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.

71. Street Tree Maintenance Period

The street tree must be inspected by Council prior to the occupation of the development. It is the responsibility of the developer to notify Council for the street tree inspection.

72. Acoustic Attenuation Measures – Units 1.02 and 1.03

A qualified acoustic engineer must test and certify that the acoustic attenuation measures as recommended in the acoustic report required by condition 17 of this consent have been installed and comply.

73. Site Facilities – Common Open Space

Prior to the issue of an Occupation Certificate, the Common Open Space area must be completed, including embellishments (fixed furniture and BBQ as shown on landscape plans).

All furniture (table, chairs, BBQ facilities, benches) detailed in the landscape plans are to be installed with anti-theft provisions, including but not limited to being bolted to a permanent surface. Additional embellishments are permitted.

74. 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.

75. Sign for Visitor Parking

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

76. Line marking of Car Parking Spaces - Major Development

All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices and RMS's guidelines.

77. Approved External Materials & Colours

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application. Details demonstrating compliance must be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

78. SEPP 65 Design Verification Statement

A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of 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 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 65Design Quality of Residential Flat Development

<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3DDepl%20AND%20Year%3D2002%20AND%20No%3D530&nohits=y>

79. Intercom for Parking Levels

The ground level parking level must be accessible to residential 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.

80. Operational Waste Management Plan

The developer shall prepare an Operational Waste Management Plan which addresses all operational waste management procedures to be employed, to ensure that the all uses, can operate safely and without disturbance to the surrounding locality

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

- a. The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays, to avoid noise disruption to the surrounding area,
- b. Waste collection vehicles must enter and leave the site in a forward direction;
- c. Garbage and recycling must be collected wholly within the site. The waste collection vehicle must park in the designated loading bay.
- d. At no time are any waste bins be presented the kerbside of Addison Street, or Allens Lane.
- c. The bins must be presented within the designated residential/commercial waste removal pick up zone as illustrated on the approved plans,
- d. The respective residential and business bin storage areas must be in compliance with approved plans.
- e. Requirement that all bins must be cleaned on a regular basis by building management,
- f. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the *Protection of the Environment Operations Act, 1997* (as amended),
- g. For any future food and drink premises, used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request,
- h. The Waste Management Plan - Operational must be available to all residents and tenancies, and
- i. All commercial/retail waste removal to be undertaken by a private contractor, unless otherwise agreed by Council in writing. The waste collection vehicle must enter the site from the public car park accessible via Mary Street.

81. Operational Management Plan

The developer shall prepare an Operational Management Plan which addresses all operational and management procedures to be employed, to ensure that the all uses, can operate safely and without disturbance to the surrounding locality.

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

- a. hours of operation of the various uses within the business/retail premises,
- b. noise emissions generated by mechanical plant to satisfy criteria set out in the EPA's *Industrial Noise Policy 2000*,
- c. management of deliveries, all loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way,
- d. management measures to control vehicle activity,
- e. the emergency management of the movement of people within and surrounding the site,
- f. maintenance regime – ongoing maintenance of landscaped areas, external finishes and graffiti removal etc,
- g. security management – lighting, CCTV etc,

- h. the necessary operational and maintenance requirements of all landscaped areas on site. Such requirements must ensure that all landscaping is maintained in perpetuity, and
- i. requirement that the operator is responsible for the removal of any graffiti that may appear on any part of the external walls of the building and that it shall be removed within 48 hours of it appearing,
- j. noise management for communal areas including a restriction on the use of the rooftop communal open space between 10pm and 7am.

The Operational Management Plan 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 consultation with Council.

82. Operational Plan of Management – 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 Operational Management Plan required via this development consent in perpetuity.

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

83. Security Cameras

Security cameras are to be installed that provide coverage of the whole of the ground level and basement carpark, and all main external entries at Addison Street and Public Car Park.

The cameras must be operational 24 hours 7 days a week, must be able to be monitored within a common room and must remain in place for the perpetuity of the consent.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

84. BASIX Commitments

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

85. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

86. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the *Protection of the Environment Operations Act 1997* (as amended).

87. Signage

No signage is approved as part of this consent. Signage must not be erected or displayed without first gaining development consent from Council, unless carried out under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

88. Waste – Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

89. Allocation of Visitor Parking

All five (5) 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 the strata subdivision.

90. Use of Ground Floor Level Tenancy

This approval grants consent for the use of one (1) ground floor tenancy as shop top housing as defined in as defined in *Shellharbour Local Environmental Plan 2013*. The definition is as follows:

“Shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.”

The first use of the tenancy is to be the subject of a separate development application to Council. The use of the tenancy is not to be used for a purpose which would require significant or intensive servicing.

91. Parking Spaces – Number & Allocation

Onsite parking spaces must be provided, as a minimum, as follows:

- a. 15 residential parking spaces – Minimum of 1 and maximum of 2 car parking spaces per unit.
- b. 5 residential visitor parking spaces (including 1x car wash bay)
- c. Bicycle racks with a five (5) bicycle capacity

92. Outdoor Lighting

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the Level 1 control relevant under Table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282

93. Enclosure of Balconies

At no time shall any of the Balcony's within the development site be enclosed.

94. Street Tree Bond Refund

The street tree bond will be returned following a six month maintenance period commencing from the date of the issue of the Occupation Certificate, provided the street tree/s remain in a satisfactory condition. In the event that any street tree/s are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer/Certifying Authority must notify Council for a reinspection of the street tree.

95. Entering and Exiting of Vehicles

All vehicles shall enter and exit the premise in a forward direction.

PART H – OTHER APPROVALS

96. 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	DA0274/2022	CNR-41421	Nicole Doughty	22/06/2022	13/07/2022	24/06/2022

Address	Land Title
37-39 ADDISON STREET SHELLHARBOUR 2529	Lot 1 DP 238804

Scope of Development Application or Planning Proposal
Demolish existing buildings, construction 10 residential units above a single level of parking and retail space.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:
<p>There are:</p> <ul style="list-style-type: none">• No easements benefitting Endeavour Energy (active easements are indicated by red hatching).• Low voltage overhead service conductor coming from a pole on the opposite side of Addison Street going to the customer connection point for the existing premises.• Low voltage overhead power lines for streetlight poles to the car park off Allens Lane.

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

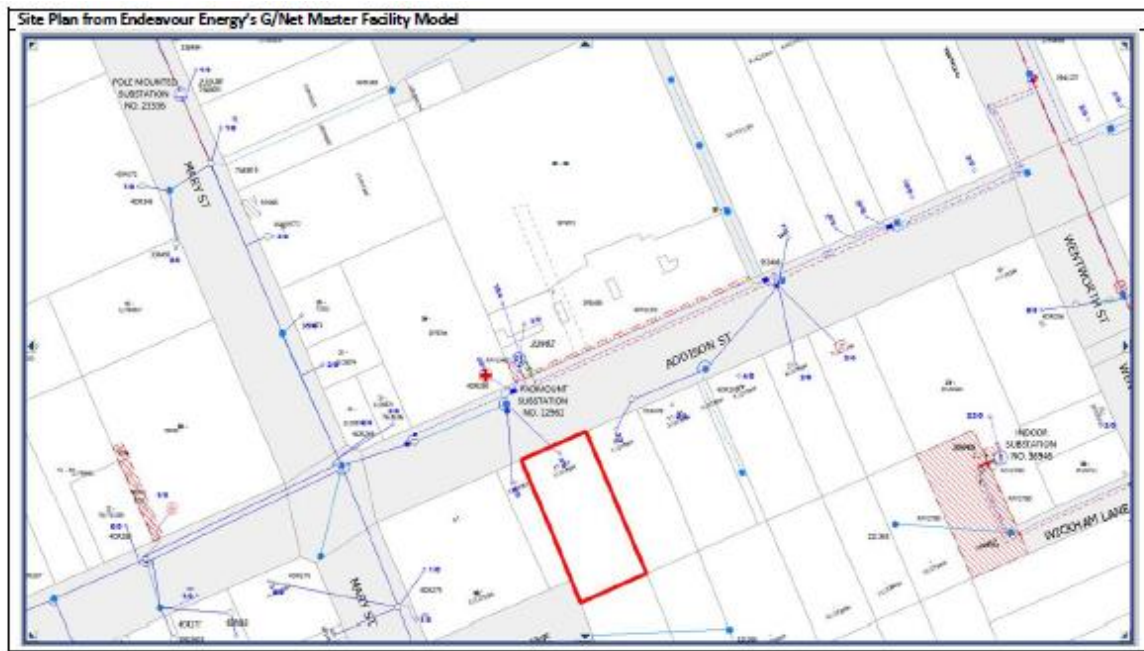
Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of 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	Bush Fire	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	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"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" 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 multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	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 type="checkbox"/>	17	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 type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

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 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	24	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 type="checkbox"/>	25	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 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 checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input checked="" 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 appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<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 checked="" 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 may result in the interruption of supply.

Endeavour Energy	
Completed by:	Decision
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	
<ul style="list-style-type: none"> The Statement of Environmental Effects does not appear to address in detail whether the available electricity services are adequate for the proposed development. 	
<p>The Proposal</p> <p>Services and Infrastructure The site is situated within an existing developed area and accordingly the development will be connected to the existing public utility infrastructure available (i.e. power, water, sewer, gas, telecommunications and the like). It is understood there is sufficient capacity to accommodate the needs of the proposal subject to appropriate augmentation works. Shellharbour Local Environmental Plan 2013 (SLEP 2013)</p> <p>Essential Services (Clause 6.9) The objective of this Clause is to ensure that sufficient infrastructure is available to service development. The site is situated within an existing developed area and accordingly the development will be connected to the existing public utility infrastructure available (i.e. power, water, sewer, gas, telecommunications and the like). It is understood there is sufficient capacity to accommodate the needs of the proposal subject to appropriate augmentation works.</p> <ul style="list-style-type: none"> To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. An extension and / or augmentation of the existing local network may be required. Whilst there are a few distribution substations in the area which are likely to have some spare capacity, it is not unlimited and may not be sufficient to facilitate the proposed development. <p>Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.</p> <ul style="list-style-type: none"> The minimum required safety clearances and controls for building and structures and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP). <p>Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV).</p> <ul style="list-style-type: none"> Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. 	

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





Demolition - Dust

Dust must be suppressed during demolition of the existing building.

Compliance with *Building Code of Australia*

The development must comply with the *Building Code of Australia* and all related standards and legislation.

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.

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* (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/>>
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

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.

END OF NOTICE