

Attachment 1: Draft Conditions of Consent

General 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.																																																							
	Condition reason: To ensure that construction is carried out in accordance with relevant legislation.																																																							
2.	Prescribed Conditions																																																							
	This development consent is subject to the prescribed conditions made under the Environmental Planning & Assessment Regulation 2021.																																																							
	Condition reason: To ensure that construction is carried out in accordance with relevant legislation.																																																							
3.	Approved plans and supporting documentation																																																							
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																																																							
	<table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>Page 1 of 2</td><td>02</td><td>Location</td><td>Geo Pos Pty Ltd</td><td>25.11.2024</td></tr><tr><td>Page 2 of 2</td><td>02</td><td>Sub</td><td>Geo Pos Pty Ltd</td><td>Undated</td></tr><tr><td>1A</td><td>A</td><td>Location Plan</td><td>G Squire</td><td>October 2025</td></tr><tr><td>2B</td><td>B</td><td>Site Plan</td><td>G Squire</td><td>November 2025</td></tr><tr><td>4B</td><td>B</td><td>Roof Plan</td><td>G Squire</td><td>November 2025</td></tr><tr><td>5</td><td>-</td><td>South Elevation, Section A-A</td><td>G Squire</td><td>June 2025</td></tr><tr><td>6</td><td>-</td><td>H3 Isometric Projection – Structure & Cladding</td><td>G Squire</td><td>June 2025</td></tr><tr><td>7</td><td>-</td><td>Cut and Fill Plan</td><td>G Squire</td><td>June 2025</td></tr><tr><td>SW1</td><td>-</td><td>Stormwater Management Plan</td><td>G Squire</td><td>June 2025</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	Page 1 of 2	02	Location	Geo Pos Pty Ltd	25.11.2024	Page 2 of 2	02	Sub	Geo Pos Pty Ltd	Undated	1A	A	Location Plan	G Squire	October 2025	2B	B	Site Plan	G Squire	November 2025	4B	B	Roof Plan	G Squire	November 2025	5	-	South Elevation, Section A-A	G Squire	June 2025	6	-	H3 Isometric Projection – Structure & Cladding	G Squire	June 2025	7	-	Cut and Fill Plan	G Squire	June 2025	SW1	-	Stormwater Management Plan	G Squire	June 2025
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	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.																																																							
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																																																							
4.	Compliance with Notations on Drawings																																																							
	Works must comply with any notations highlighted on the approved plans specifications.																																																							

	Condition reason: To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies
5.	Restriction on the Use of Land – Lot 201 DP 1111193 The proposal must comply with the terms of the Restriction on the Use of Land numbered 3 in DP 1111193 that burdens Lot 201 DP 1111193 as follows: - No building shall be erected or permitted to remain within the restriction site unless: - the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating and; - the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating and the owner provides the authority benefited with an engineer's certificate to this effect. - The fire ratings mentioned in clause 1 must be achieved without the use of fire fighting systems such as automatic sprinklers. Definitions: "120/120/120 fire rating" and "60/60/60 fire rating" means the fire resistance level of a building expressed as a grading period in minutes for structural adequacy / integrity failure / insulation failure calculated in accordance with Australian Standard 1530. "building" means a substantial structure with a roof and walls and includes any projections from the external walls. "erect" includes construct, install, build and maintain "restriction site" means that part of the lot burdened affected by the restriction on the use of land as shown on the plan. Condition Reason: To ensure compliance with the restrictions on title.

Building Work Before issue of a construction certificate

6.	Building Plan Approval - Sydney Water The approved plans must be submitted to a <i>Sydney Water Tap In</i> agent 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.sydneypwater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html The Principal Certifier must ensure that <i>Sydney Water Tap In</i> has issued the appropriate electronic approval prior to the commencement of any works. Condition reason: To ensure Sydney Water's requirements are provided to the Principal Certifier.
7.	Long Service Levy The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$250,000.00. 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. Condition reason: To ensure the Long Service Levy is paid in accordance with relevant legislation.

8.	Detailed Drainage Design A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must: a. be generally in accordance with Stormwater Management Plan, SW1, prepared by G Squire on June 2025 b. drain to the existing swale, c. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines, d. be to the satisfaction of the Certifying Authority, e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event, f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event, g. comply with Council's <i>Shellharbour Development Control Plan</i> unless variation is specifically noted and approved on DA concept drainage plan. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
9.	Stormwater Conduit in Road Reserve and Connection with Kerb Where the existing connection point is not available in either normal kerb and gutter or roll type kerb and gutter, the kerb must be saw cut to provide for the connection of the pipe. The saw cut must ensure that a minimum of 50mm of cover is available on all 3 sides of the pipe to permit adequate strength and thickness for the concrete finish. Galvanized steel pipe, sewer grade UPVC pipe or 'Corflow' spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter. The kerb and gutter connection must be a 100mm diameter galvanised steel circular section for 150mm kerb and gutter or a 150mm x 50mm galvanised rectangular steel section for roll kerb ensuring that the galvanised section is fully encased by concrete. A maximum of two pipes of 100mm diameter may be used to discharge to the kerb and gutter. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

Before building work commences

10.	Lease Any required adjustments to the existing lease boundary to accommodate the development application must be finalised and approved to Council's satisfaction prior to the commencement of works. Condition reason: To ensure relevant leases are entered into.
11.	Structural Details The following structural details must be provided to the Principal Certifier prior to commencing work: a. structural engineer's design for all reinforced concrete footings and slabs, b. structural engineer's 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.

	Condition reason: To ensure works are constructed in accordance with Council requirements.
12.	Erosion & Sediment Control Erosion and sediment controls must be provided to ensure: a. compliance with the approved Erosion & Sediment Control Plan, b. removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval), c. all clean water run-off is diverted around cleared or exposed areas, d. silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways, e. all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works, f. controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway, g. all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar, and h. compliance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time). These measures are to be implemented before the commencement of work (including demolition of excavation) and must remain until the issue of the occupation certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
13.	Dilapidation Report Before any site work commences, a dilapidation report must be prepared by a suitably qualified person detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier or Council. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier or Council, that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
14.	Construction 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 controls to the standards of the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time

	to time), and the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time), 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, and g. unexpected finds contingency protocol in accordance with condition 24.
	Condition reason: To minimise any possible adverse environmental impacts on the proposed development.
15.	Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993) Prior to any physical works within Council's road reserve such as (but not limited to) installing a driveway or connecting stormwater facilities you will need to apply for approval under Section 138 of the <i>Roads Act 1993</i>. To lodge your application, you will need to submit the following information: a. details of the proposed works in the road and footpath area, b. traffic management plan, c. provision of public risk insurance and, d. details of timing and length of works.
	Condition reason: To ensure works are undertaken in accordance with the Roads Act 1993

During building work

16.	Survey Certification A report from a registered surveyor must be provided to the Principal Certifier. 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, c. the hangar floor level complies with the hangar floor level shown on the approved plans
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development
17.	Hours of Work Site work must only be carried out between 7am and 5pm on Monday to Saturday and no site work is to be carried out at any time on a Sunday or public holiday. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
18.	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 Certifying Authority 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. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
19.	Implementation of the site management plans While site work is being carried out: - the measures required by the construction site management plan and the erosion and sediment control plan must be implemented at all times, and - a copy of these plans must be kept on site at all times and made available to council officers upon request. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
20.	Waste Management Facility All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier and a copy provided to Council. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
21.	Storage of Materials Building materials and equipment must not be stored on the road reserve/footpath area. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
22.	Cut/Fill The cut and fill areas must: - be suitably retained, - be in accordance with the approved plans, - have a maximum grade of 45 degrees (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area, and - not exceed 1m in depth outside the external walls of a building, unless otherwise approved in writing by Council. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
23.	External Materials, Colours and Reflectivity All external buildings materials/colours must have a low level of reflectivity. All external materials and colours must complement the materials/colours of the existing building. Condition reason: To minimise any possible adverse environmental impacts of the proposed development

24.	Unexpected Finds Contingency
	a. Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment. In the event that contamination remediation is required, all works must cease and the Council must be notified immediately. The contamination assessment must be submitted to Council for Approval. All recommendations provided in the contamination assessment must be followed as stipulated. b. If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Industry and Environment (DPIE) be contacted immediately to determine an appropriate course of action in line of relevant legislation. c. All excavations and stockpiles are to be observed for signs of acid sulfate soils such as rotten eggs smell and jarosite staining. Should acid sulfate soils be suspected, works are to cease and a qualified consultant contacted to develop an acid sulfate soils management plan and Councils Environment Team must be notified.
	Condition reason: To minimise any possible adverse environmental or cultural impacts of the proposed development
25.	Obstacle Limitation Surface
	The building must comply with the requirements of CASA Manual of Standards (MOS) Part 139, Chapter 7 – Obstacle Limitation Surfaces (OLS).
	Condition reason: To minimise any possible adverse environmental or cultural impacts of the proposed development

Before issue of an occupation certificate

26.	Occupation Certificate
	Compliance with all conditions in this section, and in prior sections of this consent, must be verified by the Principal Certifier prior to the issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues and Occupation Certificate.
	Condition reason: To ensure the construction complied with relevant legislation
27.	Verification of Waste Management
	Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifier prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifier.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development

28.	Post-Construction Dilapidation Report Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified person, to the satisfaction of the Principal Certifier or Council, detailing whether: - after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and - where there has been structural damage to any adjoining buildings, that is a result of the work approved under this development consent; and - a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
29.	Repairs To Public Infrastructure Before the issue of an Occupation Certificate: - any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction, and at no cost to Council; or - if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. Condition reason: To minimise any possible adverse environmental impacts of the proposed development

Prior to issue of subdivision certificate

30.	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: - an application for a Subdivision Certificate through the NSW Planning Portal, - a copy of the deposited plan, administration sheets and 88B instrument - fees appropriate at the time of submission of the application, - an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 2020 Zone 56 (GDA2020) 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. The email and the electronic copy should be named "Subdivision Title & Stage DAno/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. Condition reason: To ensure the correct application process for the Subdivision Certificate.
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Occupation and ongoing use

31.	Hours of Operation
	Hours of operation must be confined to Monday to Sunday 7:00am to 6:00pm, unless otherwise approved in writing by Council.
	The running of aircraft engines and general aircraft operations must be restricted to daylight hours.
	Condition reason: To ensure the hours of operation align with those of the existing building.
32.	Storage of Hazardous Liquids and Chemicals
	The storage of hazardous liquids and chemicals is not permitted. All chemicals and liquids must be stored in the designated storage areas within the existing HARS building.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
33.	Spill Kit
	A spill kit or kits must be kept in an accessible position in the premises at all times. The kit must be appropriate for the liquids to be used on the premises and must be adequate to contain any spill which may occur.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
34.	Waste
	Waste generated by the development must be stored in designated waste storage areas located within the existing HARS building and disposed of in an appropriate manner.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
35.	Pollution Control
	The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the <i>Protection of the Environment Operations Act 1997</i> .
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
36.	Lighting
	Any lighting of the premises (indoor and outdoor) shall be installed and maintained in accordance with the Zone A lighting requirements as required by CASA or the Australian Standards (as applicable).
	Condition: To ensure lighting does not impact on airport operations.

Other Approvals None Required

General Advisory Notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means SHELLHARBOUR CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and

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Lot 201 DP 1111193 and Lot 2 DP 1296896
54 and 42 Airport Road, Albion Park Rail

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- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Southern Regional Planning Panel