

Australand Corporation (NSW) Pty Ltd  
48 Apollo Drive  
SHELL COVE NSW 2529  
[mathew.gulliver@frasersproperty.com.au](mailto:mathew.gulliver@frasersproperty.com.au)

p. 02 4221 6111  
f. 02 4221 6016  
[council@shellharbour.nsw.gov.au](mailto:council@shellharbour.nsw.gov.au)  
[www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)

### **NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**

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

Being the applicant of Development Application No. 0305/2019 for consent to the following development:

#### **DEMOLITION OF GENERAL STORE**

**LOT: 1083 DP: 866483**

**2 BRINDABELLA DRIVE, SHELL COVE**

**Determination date of consent:** 17 June 2019

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

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

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



Frank Boom  
**Senior Building Assessment Officer**

On behalf of Carey McIntyre, General Manager

## **PART A – ADMINISTRATIVE CONDITIONS**

### **1. Development in Accordance with Plans**

The development must be in accordance with the Council approved stamped plans except as modified by conditions of this consent.

### **2. Prescribed Conditions**

This development consent is subject to the prescribed conditions under the *Environmental Planning & Assessment Regulation 2000*. The prescribed conditions include compliance with the *Building Code of Australia*.

### **3. Compliance with Notations on Drawings**

Works must comply with any annotations on the approved plans.

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

Not Applicable – A Construction Certificate is not required for demolition work

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

### **4. Erosion & Runoff Controls**

Before work starts, 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.

### **5. 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 supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

### **6. Disconnection of Utilities**

Contact should be made with Sydney Water and the relevant energy service provider/s for their approval with regard to disconnection of all services prior to the commencement of demolition works.

## **PART D - DURING DEMOLITION WORKS**

### **7. Hours of Work During Demolition Work**

Noise generating activities must only be carried out between:

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

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

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

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

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.

## **9. Demolition - WorkCover, AS 2601 & Work Health & Safety Act 2011**

Demolition work must:

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

## **10. Waste Management - Demolition**

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.

## **11. Storage of Materials**

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

## **PART E - PRIOR TO COMPLETION OF WORKS**

### **12. Verification of Waste Management**

Documentation verifying that all waste streams were managed in accordance with the Demolition Waste Management Plan must be retained by the registered owner/s of the property for a period of 12 months. Documentation may include records such as waste disposal dockets or photographic evidence.

### **13. 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 and must be repaired and reinstated within two months of completion of works subject to this consent. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

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

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

<b>Advisory Notes – General</b>
---------------------------------

#### **Disposal of Hazardous Material**

Special arrangements are required for the disposal of hazardous building materials, particularly asbestos. For information on hazardous material disposal locations, contact Council's Waste Services Department on 4221 6111.

#### **Demolition - Dust**

Dust must be suppressed during demolition of the existing building.

#### **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 five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

#### **Right to Appeal**

If you are dissatisfied with this decision, 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 six 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.

Development Application No. 0305/2019  
Lot 1083, DP 866483, 2 Brindabella Drive, Shell Cove

---

### **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.

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

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

### **Dial Before You Dig**

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

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

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

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

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

Jemena Asset Management Pty Ltd  
PO Box 6507  
SILVERWATER NSW 2128

Attention: Land Services Department

**END OF NOTICE**