

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning and Assessment Act 1979

Being the applicant of Development Application No. DA0471/2019 for consent to the following development:

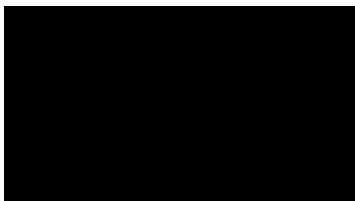
UPGRADE OF EXISTING ENTRY WALLS (COVE BOULEVARD)
LOTS 1116 & 1117, DP 866483
CNR SHELLHARBOUR ROAD AND COVE BOULEVARD SHELL COVE NSW 2529

Determination date of consent: 20 November 2019

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

In accordance with Section 4.16 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.



Senior Development Assessment Officer

On behalf of Carey McIntyre, General Manager

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PCA 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 Certifying Authority.

2. Prescribed Conditions

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

3. Development in Accordance with Plans and Documents

The development must be in accordance with the 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.

| Plan/Document | Prepared By | Drwg/Doc No. | Date |
|--|--|---|------------|
| ENTRY POINT Group A Cove Boulevard | Group GSA Pty Ltd | Pg 2 The Waterfront Shell Cove Wayfinding Frasers | undated |
| COVE BOULEVARD INTERSECTION ENTRY POINT GROUP B | Group GSA Pty Ltd | 13294 - L-0003 Issue D | 12/08/2019 |
| GROUP B Major Sign CB01 and Major Sign CB02 | Group GSA Pty Ltd | Pg3 The Waterfront Shell Cove Wayfinding Frasers | undated |
| NORTH ENTRY WALL CB01 + SIGNAGE CB01: COVE BLVD ENTRY WALL + SIGNAGE MATERIAL GABION ENTRY WALL: COVE BLVD | Group GSA Pty Ltd | 13294 - L-12050 Issue D | 12/08/2019 |
| SOUTHERN ENTRY WALL CB02 + SIGNAGE CB02: COVE BLVD ENTRY WALL + SIGNAGE MATERIAL GABION ENTRY WALL: COVE BLVD | Group GSA Pty Ltd | 13294 - L-12060 Issue D | 12/08/2019 |
| TYPICAL SIGNAGE SPECIFICATION PMS 7473 C PANTONE 11C COOL GREY | Group GSA Pty Ltd | Pg 4 The Waterfront Shell Cove Wayfinding Frasers | undated |
| TYPICAL SIGNAGE SPECIFICATION TYPICAL MAJOR SIGN TYPICAL SECONDARY + TERTIARY SIGN | Group GSA Pty Ltd | Pg5 The Waterfront Shell Cove Wayfinding Frasers | 12/08/2019 |
| SIGN CB01 +CB02 Major Sign CB01 (LHS in brief) Major Sign CB02 (RHS in brief) Signage CB01 - 7500mm x 2000mm First Stage and Final Stage | Group GSA Pty Ltd | Pg 6 The Waterfront Shell Cove Wayfinding Frasers | undated |
| Signage CB02 - 7500mm x 2000mm First Stage and Final Stage | Group GSA Pty Ltd | Pg 7 The Waterfront Shell Cove Wayfinding Frasers | undated |
| WASTE MANAGEMENT PLAN | Australand Corporation (NSW) Pty Ltd | Lots 1116 and 1117 DP 866483 | 06/08/2019 |

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- * The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

4. Signage

The refurbishment of the supporting wall structures and the related wayfinding signs must be carried out in accordance with the approved plans. The refurbishment approved under this comprises the following works:

- Installation of 225mm wide gabion cladding over the existing blockwork wall;
- Attach a signage panel to the refurbished entry wall to display wayfinding information;
- Install lighting below the signage pane; and
- Rendering to the existing stone bases of the steel sculptures.

to Wall 1 on Lot 1116 DP 866483 (Reserve 96) and associated attached and Sign CB01; and
Wall 2 on Lot 1117 DP 866483 (Reserve 97) and associated attached and Sign CB02.

The external colours and materials used must be in accordance with the approved plans, unless otherwise approved by Council in writing.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Compliance with Building Code of Australia

Council has not carried out a detailed assessment of this application with regard to compliance with the Building Code of Australia.

In this regard, prior to determining the Construction Certificate application, the Principal Certifying Authority must assess compliance with the Building Code of Australia and all related standards and legislation.

PART C - PRIOR TO COMMENCEMENT OF WORKS

6. 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

7. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,

- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions.
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway and,
- 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.

8. 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 *Roads Act*. There is no additional cost as this is paid for at the time of development application.

To lodge your application, you will need to submit the following information:

- a. detailed engineering drawings 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.

9. Signage Removal

Any unauthorised, non-exempt signage located on the subject properties must be removed prior to the commencement of works.

10. 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.

11. Final Signage Content

The content of the wayfinding signs must be generally in accordance with the approved plans and must be confirmed with Council prior to commencement of works.

12. Public Liability

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

PART D - DURING CONSTRUCTION WORKS

13. Hours of Work During Building Work

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

- 7am to 5pm Mondays to Fridays; and
- 8am to 1pm Saturdays,

unless otherwise agreed to by Council in writing.

Work must not be carried out on Sundays or public holidays.

14. Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times during the construction period. The controls must not be removed until construction is completed and the disturbed areas have been stabilised.

Note: *It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.*

15. Waste Management

The management and disposal of any excess construction material and/or soil material must comply with the measures outlined in the approved Waste Management Plan.

Any waste material(s) must be properly disposed of to an authorised waste facility.

Any variations to the Waste Management Plan must have prior written approval of Council.

16. Storage of Materials

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

PART E - PRIOR TO OCCUPATION

17. Occupation Certificate

The wall structures and wayfinding signage must not be used until the Principal Certifying Authority issues an Occupation Certificate. Compliance with all conditions of Parts A to E must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate.

18. Completion of Landscape Works

All associated landscaping approved under this Development Consent must be completed in accordance with the approved plans prior to the issue of an Occupation Certificate. The landscaped or turfed areas must not be reduced or replaced with hard impermeable surface. Any variations to the design or species of the approved landscaping used must be authorised by Council in **writing before any changes are made.**

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved plans.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not applicable.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

19. Signage Illumination

The intensity of illumination of the signage must not cause objectionable glare, adversely affect the safety of traffic in the vicinity of the subject properties or detract from the amenity of the neighbourhood.

In this regard, the intensity of the illumination must be in accordance with the relevant standards.

20. On-going Maintenance and Repair

The maintenance and repair of the walls and signage must be initially undertaken by the Shell Cove Project (Council/FPA) until the Shell Cove Project is completed.

21. Landscaping

On-going maintenance and the replacement of damaged or dead landscape plantings, must be initially undertaken by the Shell Cove Project (Council/FPA) until the Shell Cove Project is completed.

22. Separate Consent Required for additional non-exempt Signage

Other than the approved wayfinding signage refurbishment, this development consent does not authorise the erection of any other additional signage on the subject property. In this regard, prior to the erection or display of any other additional signage, a separate development application for additional non-exempt signage must be submitted to Council and the relevant planning approval obtained.

PART H – OTHER APPROVALS

Not applicable.

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.

Advisory Notes – Project Specific

Compliance with *Building Code of Australia*

Council has not carried out a detailed assessment of this application with regard to compliance with the *Building Code of Australia*.

The Principal Certifying Authority, prior to determining the Construction Certificate application, must assess compliance with the *Building Code of Australia* and all related standards and legislation.

Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate where the building and construction cost is \$25,000.00 and above.

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.*

Sydney Water - Contribution

Sydney Water (Illawarra Branch) may require a contribution towards new water and sewerage services or amplification of the existing system for the development, the subject of this consent.

Sydney Water Information

Sydney Water has produced a Land Development Manual. The manual outlines the process for getting a Section 73 Certificate in a single, easy to read document. The manual is available from the Land Development page in the Plumbing, Building & Developing section of the Sydney Water website.

Advisory Notes – General

Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

It is recommended that you discuss with your Principal Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

Erection of Signs

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside

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work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

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 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.

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/>> or telephone on 1100 before excavating or erecting structures

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(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

END OF NOTICE