

13 JUL 2017

Frasers Property Australia Pty Ltd
PO Box 4148
SHELLHARBOUR 2529

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Being the applicant of Development Application No. 97/2017 for consent to the following development:

**18 DWELLINGS AND 18 LOT TORRENS TITLE SUBDIVISION
LOT 2043 IN DP 1203745, THE PROMONTORY DRIVE, SHELL COVE
LOT 2116 DP 1203746, WHARF PARADE, SHELL COVE**

Determination date of consent: 10 JULY 2017

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 BY THE **JOINT REGIONAL PLANNING PANEL (SOUTHERN REGION)** SUBJECT TO THE CONDITIONS DESCRIBED BELOW.



Victoria Nicholson
Senior Development Assessment Officer

On behalf of Carey McIntyre, General Manager

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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 & PCA Notification *Environmental Planning & Assessment Act 1979 Section 81A*

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*. The prescribed conditions include compliance with the *Building Code of Australia*.

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 except as modified by conditions of this consent.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Plan – Stage 93 (Lot 2043)	Frasers Property	Drawing no. 1.2 Version A	23.01.2017
Floor/Setback Plans – Stage 93	Frasers Property	Drawing no. 2.1 & 2.2 Version A	23.01.2017
Dwelling & Garage Floor, Section & Elevation Plans CN9301-9303	Frasers Property	Drawing no. 5.1 - 5.3 Version A	23.01.2017
Dwelling & Garage Floor, Section & Elevation Plans CN9304-9307	Frasers Property	Drawing no. 5.5 - 5.8 Version A Drawing no. 5.4 Version B	23.01.2017 12.05.2017
Dwelling & Garage Floor, Section & Elevation Plans CN9308-9310	Frasers Property	Drawing no. 5.9 - 5.11 Version A	23.01.2017
BASIX* – Stage 93	Victor Lin & Associates Pty Ltd	Certificate No. 788316M	01.03.2017
Subdivision Plan – Lot 93	Frasers Property	Drawing no. 1.1 Version A	23.01.2017
Landscape Plan – Stage 93	ecodesign	L- 01 Revision C	01.03.2017
Details & Plant Schedule – Stage 93	ecodesign	L- 02 Revision C	01.03.2017

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Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Plan – Stage 94 (Lot 2116)	Frasers Property	Drawing no. 1.2 Version A	27.01.2017
Floor, Section & Elevation Plans CN9401	Frasers Property	Drawing no. 5.1 & 5.2 Version A	23.01.2017
Floor, Section & Elevation Plans CN9402-9404	Frasers Property	Drawing no. 5.3 & 5.4 Version A	27.01.2017
Floor, Section & Elevation Plans CN9405-9407	Frasers Property	Drawing no. 5.6 & 5.7 Version A	27.01.2017
Garage Plans, Sections & Elevations CN9402-9404	Frasers Property	Drawing no. 5.5 Version A	23.01.2017
Garage Plans, Sections & Elevations CN9405-9407	Frasers Property	Drawing no. 5.8 Version A	27.01.2017
Floor, Section & Elevation Plans CN9408	Frasers Property	Drawing no. 5.9 & 5.10 Version A	27.01.2017
BASIX* – Stage 94	Victor Lin & Associates Pty Ltd	Certificate No. 797011M	02.03.2017
Subdivision Plan – Stage 94	Frasers Property	Drawing no. 1.1 Version A	27.01.2017
Landscape Plan – Stage 94	<i>ecodesign</i>	L- 01 Revision C	01.03.2017
Details & Plant Schedule – Stage 94	<i>ecodesign</i>	L- 02 Revision C	01.03.2017
Waste Management Plan	-	-	Undated As submitted with DA

* 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 Compliance with Notations on Drawings

Works must comply with notations made on the approved plans.

5 Easements

Structures must not encroach onto any easement.

6 House Numbering

House numbering will be as follows:

- Dwelling CN9301 – 9 The Promontory Drive, Shell Cove
- Dwelling CN9302 – 11 The Promontory Drive, Shell Cove
- Dwelling CN9303 – 13 The Promontory Drive, Shell Cove
- Dwelling CN9304 – 15 The Promontory Drive, Shell Cove
- Dwelling CN9305 – 17 The Promontory Drive, Shell Cove
- Dwelling CN9306 – 19 The Promontory Drive, Shell Cove
- Dwelling CN9307 – 21 The Promontory Drive, Shell Cove

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- Dwelling CN9308 – 23 The Promontory Drive, Shell Cove
- Dwelling CN9309 – 25 The Promontory Drive, Shell Cove
- Dwelling CN9310 – 27 The Promontory Drive, Shell Cove
- Dwelling CN9401 – 14 Wharf Parade, Shell Cove
- Dwelling CN9402 – 16 Wharf Parade, Shell Cove
- Dwelling CN9403 – 18 Wharf Parade, Shell Cove
- Dwelling CN9404 – 20 Wharf Parade, Shell Cove
- Dwelling CN9405 – 22 Wharf Parade, Shell Cove
- Dwelling CN9406 – 24 Wharf Parade, Shell Cove
- Dwelling CN9407 – 26 Wharf Parade, Shell Cove
- Dwelling CN9408 – 28 Wharf Parade, Shell Cove

The allocated house numbers must be shown on the Construction Certificate plans, subdivision plans and where plans and details are provided to service suppliers, the house numbers must be in accordance with the above.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7 Section 94 Contributions

A contribution of \$171,726.40 (less \$11,994.72 for C1.26 Passive Open Space Embellishment), 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 *Section 94 Contributions Plan 2016 Amendment 1* dated 8 March 2017 in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$159,731.68

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

8 Soil and Water Management Plan (SWMP)

Prior to the issue of the Construction Certificate, a Soil and Water Management Plan (SWMP) must be submitted to and approved by the Certifying Authority.

The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and specify the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities shall be referred to where applicable.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,

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- d. preserve existing vegetation and identify revegetation techniques and materials,
- e. control surface water flows through the development construction site in a manner that:
 - i. diverts clean run-off around disturbed areas,
 - ii. minimises slope gradient and flow distance within disturbed areas,
 - iii. ensures surface run-off occurs at non-erodible velocities, and
 - iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilised (includes landscaping),
- g. specifies measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 20 year ARI event at all inlet and outlet structures, and
- j. include measures to prevent the tracking of sediment off the site.

9 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 approved plans,
- b. drain to the street (CN9301-CN9310 to drain to Stern Way, CN9401-CN9408 to Wharf Parade),
- 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 sizes of all pipelines,
- d. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- e. show that overflow drainage paths are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- f. comply with Council's *Shellharbour Development Control Plan* unless variation is specifically noted and approved on DA concept drainage plan,
- g. include reference to the rainwater tank, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any other fixture identified in the BASIX certificate,
- h. show all stormwater drainage to go to a pit just within and adjacent to property boundary prior to discharge. This pit shall have a debris screen installed, and
- i. be to the satisfaction of the Certifying Authority.

10 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.

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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.

These details must be submitted with application for a Construction Certificate.

PART C - PRIOR TO COMMENCEMENT OF WORKS

11 Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

12 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.

Council records indicate that fill may be present in this area. The engineer's design must make specific reference to fill as a consideration.

13 Building Plan Approval - Sydney Water

The approved plans must be submitted to a Sydney Water TapIn™ 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 TapIn™ has issued appropriate electronic approval prior to the commencement of any works.

14 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,

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- 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 is 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.

15 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993

Prior to any physical works within the road reserve a Road Opening Permit under section 138 of the *Roads Act 1993* is required. An application must be made to Council for the temporary occupation of the road reserve. Please note the application *may* require the following:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. a Traffic Management Plan,
- c. provision of Public Risk Insurance, and
- d. details of timing and length of works.

16 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.

17 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 road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

PART D - DURING DEMOLITION & CONSTRUCTION WORKS

18 Hours of Work During Demolition and Construction Work

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

- 7am to 6pm 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.

19 Maintenance of Soil and Water Management Plan (SWMP)

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.

20 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

21 Storage of Materials

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

22 Survey Certification

A report from a registered surveyor must be provided to the Certifying Authority prior to external walls being raised above ground floor level OR on completion of the ground floor slab formwork prior to the concrete being poured.

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.

23 Cut/Fill

The cut and fill areas must be in accordance with the approved plans and be suitably retained in accordance with the *Shellharbour Development Control Plan*.

24 Retaining Walls

Any retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the retaining wall to have a minimum boundary setback of 200mm. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

25 Connection to Council Pit and/or Pipe

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Council's Subdivision Code requirements.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's *Fees & Charges*.

26 Driveway and Layback - From Kerb to Property Boundary

A residential standard 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. be located and have a width in accordance with the approved plans,
- c. not interfere with the existing public utility infrastructure,
- d. be finished with a slip resistant coating, and
- e. 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.

PART E - PRIOR TO OCCUPATION

27 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The buildings must not be occupied until the Principal Certifying Authority issues an Occupation Certificate.

28 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifying Authority 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 20 92.

29 BASIX

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

30 Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Principal 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.

E6 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 Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal docketts or photographic evidence, must be retained by the Principal Certifying Authority.

31 Completion of Landscape Works

Landscape works must be carried out 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 Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

32 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:

- a. an application for a Subdivision Certificate,
- b. five paper prints of the final plan of subdivision,

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- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) 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 - DA No/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.

33 Services & 88B Instrument

Lots affected by new or existing utility services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider.

Restrictions must be placed on title to address the following:

- a. vehicular access is not permitted from The Promontory Drive, notated as View Corridor Street 1 in *Design Guidelines for Medium Density Housing Precincts B1 and C1*, for those lots having a boundary frontage to The Promontory Drive. This restriction applies to Lots CN9301-CN9310 and CN9408, and
- b. general fill.

34 Release of Certificate

The Subdivision Certificate for stage 93 and for stage 94 must not be released until the walls of the dwellings and garages have been constructed to a minimum height of 1m above ground level. Evidence that this requirement has been satisfied must be provided in the form of a registered surveyor's identification survey report. This survey report must show all allotment boundaries and the position of the buildings in relation to the boundaries. The distance of the buildings to the boundaries must be in accordance with the approved plans.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

35 BASIX Commitments

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

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

ANP1 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.

ANP2 Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

ANP3 Landscape Inspection Fee

If Council is appointed the Principal Certifying Authority, landscaping will be inspected. An inspection fee will be charged in accordance with Council's *Fees and Charges*.

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 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.

WorkCover Authority

The requirements of WorkCover Authority must be satisfied at all times.

Obstacle Height Limitation - Airport

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

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 section 95 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.

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Right to Appeal

If you are dissatisfied with this decision, section 97 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, section 82A 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.

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 96 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 96 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 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 (Cth)* 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. 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