

RECEIVED 30 SEP 2002

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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



26 SEP 2002

TO: The Manager
Australand Holdings
PO Box A148
SHELLHARBOUR 2529

Being the applicant of Development Application No. 551/2002 for consent to the following development:

6 LOT TORRENS TITLE SUBDIVISION
LOT: 4500 DP: 1040758
GORE AVENUE, SHELL COVE

Determination date of consent 24 SEP 2002

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

CONSTRUCTION CERTIFICATE (SUBDIVISION) & PCA NOTIFICATION

1. The person having the benefit of the development consent must:
 - a. Obtain a construction certificate (subdivision) from Shellharbour City Council or an Accredited Certifier (S81A); and
 - b. Appoint a Principal Certifying Authority (S81A).

LEGISLATION

2. The subdivision must be carried out in strict conformity with the plans, specifications and conditions approved by Council.

All communications addressed to:

GENERAL MANAGER
PO Box 155 Shellharbour Square
Shellharbour City Centre 2529
Telephone: 02 4221 6111

Facsimile: 02 4221 6016
DX 26402 Shellharbour Square
Email: records@shellharbour.nsw.gov.au
Web: www.shellharbour.nsw.gov.au

ADMINISTRATION CENTRE:
Lamerton House, Lamerton Cres.
Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:
Cnr Shellharbour &
Lake Entrance Roads Warilla

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3. This consent is a development consent under the provisions of the *Environmental Planning and Assessment Act, 1979, as amended*, and it will now be necessary to obtain a Construction Certificate (Subdivision). In this regard, it will be necessary to submit the following:
 - a. An application for a Construction Certificate (Subdivision).
 - b. Four paper prints or copies of the relevant subdivision plan.
 - c. Fees appropriate at the time of submission of the application.

FINAL PLAN

4. 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 the following:
 - i. An application for a Subdivision Certificate.
 - ii. A satisfactory final plan of subdivision, an electronic copy and six paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy shall be in ISG coordinates and shall be submitted in DXF, DWG or DGX format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) shall be completed prior to lodging the plan.
 - iii. Fees appropriate at the time of submission of the application.

UTILITIES

5. Electricity shall be provided to all proposed lots. In this regard the developer shall submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
6. Telephone service shall be provided to all proposed lots. In this regard the developer shall submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
7. Lots affected by new or existing services shall be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority, Sydney Water and Integral Energy.

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8. The developer shall submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
9. Consent for this development is conditional upon satisfactory arrangements with Sydney Water (Illawarra Branch) for the provision of adequate facilities for water supply and the removal or disposal of sewage.

In this regard, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 132092.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate.

10. 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.
11. As Torrens Title subdivision is proposed Sydney Water should be consulted with regard to the need for separate services to be provided for each lot.

TOWN PLANNING

Urban Design

12. Landscaping must be undertaken adjacent to lot's 4701, 4704 and 4705 on the adjoining public reserve, to provide for some privacy screening of these residential allotments.

In this regard, details of this proposed landscaping must be included on the landscape plans required to be submitted to Council for public reserves, as required by the conditions of consent for Development Application No. 93/1998.

13. A restriction as to user must be placed on the 88B Instrument specifying a performance design criteria to ensure Lot's 4701 and 4075 are constructed with dwelling designs that will address and add visual interest to both the street and adjoining public reserve.

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14. A restriction as to user must be placed on the 88B Instrument specifying a performance design criteria to ensure Lot 4704 must be constructed with a dwelling design that will address and add visual interest to the adjoining public reserve.
15. An open form style fence being "rod top" powder coated charcoal fence and having a height of 1.5 metres, must be erected along the boundary between the public reserve and Lot's 4701, 4704 and 4705. The style and height of this fencing must not be modified, unless approved in writing by Council.

Bonds & Contributions

16. The following contributions must be paid to Council in accordance with the provisions of Section 94 of the *Environmental Planning & Assessment Act, 1979*, as amended, and Council's *Fifth Review Section 94 Contributions Management Plan* dated 6 December 2000.

- Community facilities/services - \$16,228.46

The whole of the contribution amount of \$16,228.46 must be paid prior to the issue of a Subdivision Certificate adjusted in accordance with Condition No. 17.

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued.

The *Fifth Review Section 94 Contributions Management Plan* may be inspected at Shellharbour City Council's offices, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

17. The Section 94 contribution set out in the above conditions will be recalculated in accordance with movements in the *Chain Price Index for Non-Dwelling Building and Construction* (CP), published by the *Australian Bureau of Statistics*. The recalculation shall be in accordance with the following formula:

$$C_p = C_b \times \frac{CP_p}{CP_c}$$

Where

- | | |
|----------|---|
| $C_p =$ | Contribution rate at date of payment. |
| $C_b =$ | Base contribution rate as specified in Council's <i>Fifth Review Section 94 Contributions Management Plan</i> . |
| $CP_p =$ | Latest published <i>Chain Price Index for Non-Dwelling Building and Construction</i> at the date of payment. |
| $CP_c =$ | Latest published <i>Chain Price Index for Non-Dwelling Building and Construction</i> , at 6 December 2000. |

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ENGINEERING REQUIREMENTS

General

18. All lots must comply with Council's Residential Development Control Plan.
19. Drainage plans, prepared by a suitably qualified Engineer, in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval. All drainage work must then be constructed in accordance with Council's construction Standards and approval at no cost to Council.
20. Engineering plan checking fees must be paid by the applicant prior to the release of the engineering plans. The fees payable must be that applicable at the time of engineering plan release.
21. Construction inspection fees must be paid by the applicant prior to the commencement of work on site. The fees payable must be that applicable at the time of commencement of work on site.
22. A site meeting with Council's Engineer, the Department of Land and Water Conservation, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.
23. A set of Council endorsed engineering plans must be kept on site at all times during the construction phase
24. The developer must maintain the road and drainage works for a defects liability period of six months from the date of registration of the final plan of subdivision.

Drainage/Flooding

25. Interallotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to the street to which the lot fronts. In this regard, stormwater discharge must be limited to one point for the combined catchment of the subdivision of Lots 4608 and 4609.
26. Interallotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1 in 5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years must be over public land.

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27. All developable allotments must be constructed at or above the 1 in 100 year flood level. All allotments within 500mm of the 1 in 100 year level must have a restriction as to user placed on the 88B Instrument specifying a minimum floor level of 500mm above the 1 in 100 year flood level for residential lots and 100mm above the 1 in 100 year flood level for commercial, industrial and retail lots. All levels must be related to Australian Height Datum. Alternatively, all allotments must be filled to a level 500mm above the 1 in 100 year flood level for residential lots and 100mm above the 1 in 100 year flood level for commercial, industrial and retail lots.

Road Standards

28. Vehicular layback crossings must be provided along Southern Cross Boulevard to serve each allotment.
29. A 3.0m wide concrete driveway must be constructed for the full length of the battle-axe handle of proposed Lot 4704.

Geotechnical

30. All lot filling must be performed under Level 1 Geotechnical supervision in accordance with AS 3798-1995.
31. A Geotechnical Engineer's report must be submitted to Council prior to the release of the final plan of subdivision. The report must include certification of compaction densities and the stability of all filling, the stability of all lots together with the classification of each lot in accordance with the Australian Standard 2870 – Residential Footings and Slabs.

Sediment Control and Water Quality Control

32. The developer must submit a 'Soil and Water Management Plan' for the subdivision prior to the issue of the construction certificate. The Soil and Water Management Plan must generally be prepared in accordance with the Department of Housing's publication "Soil and Water Management Urban Development" and the former Department of CALM's publication "Urban Erosion and Sediment Control". The Soil and Water management Plan must incorporate measures for the control of dust.

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33. The developer must lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved Soil and Water Management Plan. This bond must be in the form of an irrevocable bank guarantee made out in favour of Council, and must operate as follows:
- a. The bond must be submitted to Council prior to the release of the construction certificate for the subdivision.
 - b. The bond must be held by Council until the expiration of the six months maintenance period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads.
 - c. Should Council advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work must be substantially commenced within forty eight hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.
34. The developer must advise all prospective purchasers that subject to any necessary Ministerial Consent, Council intends to impose a special rate to cover the cost of maintaining water pollution control facilities. Evidence of the advice to prospective purchasers must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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.

SUPPLEMENTARY ADVICE

1. This development consent is subject to the prescribed conditions under Part 7 of the *Environmental Planning & Assessment Regulation 1998*.

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2. Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice of \$600 being issued against the owner/applicant/builder.

NOTES:

1. In accordance with Section 95 of the *Environmental Planning & Assessment Act 1979*, the Development Approval lapses five (5) years after the approval date unless building, engineering or construction work relating to the building has substantially physically commenced.

The building must be completed, in accordance with the approved plans and specifications, within five years from the date when the building was substantially physically commenced.

2. **Right of 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 twelve months after the date on which you receive this notice

Section 97 of the *Environmental Planning & Assessment Act 1979* does not apply to the determination of a Development Application for state significant development or local designated development that has been the subject of a Commission of Inquiry.

3. 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.

4. **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.



Graham Mitchell
Manager, Development Services

On behalf of Brian A Weir, General Manager

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SHELLHARBOUR CITY COUNCIL

DEVELOPMENT CONSENT

24 SEP 2002

DA No. 551/02

DATED

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

Work shall not commence until the Council has issued a Principal Certifying Authority's approval.

Council is satisfied that the Long Service Levy has been paid where applicable.

(Mr) B A Weir
General Manager



HICKS TERRACE

EXISTING
STAGE 4D

MOLINEAUX AVE

PICKERSGILL CLOSE

GORE AVE

MONKHOUSE PDE

SOUTHERN CROSS BOULEVARDE

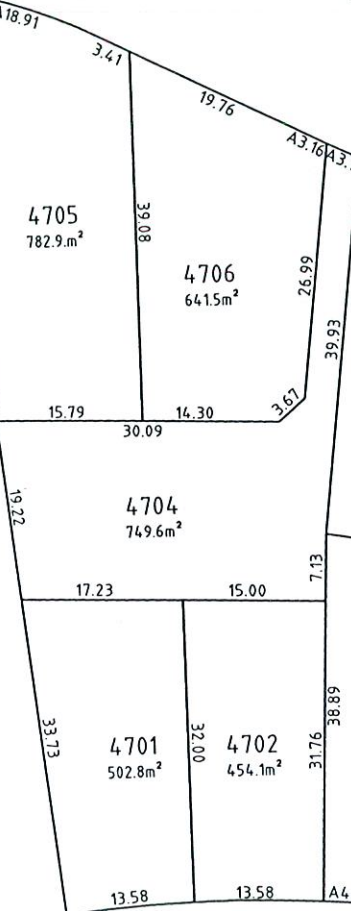
PUBLIC
RESERVE

ROAD 53

STAGE 4E

ROAD 26

EXISTING
STAGE 4C



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CLIENT	AUS'RALAND
SURVEYED	
SURVEY FILE	
DATE	
DESIGNED	DATE
CHECKED	DATE
APPROVED	DATE

DEVELOPMENT CONSULTING Pty. Ltd.
Head Office:
Harbour Village Place
25 Cambridge Pde., Manly, QLD 4179

Consulting Civil Engineers
Development Consultants.
Project Managers & Planners
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HARRIS PARK NSW 2150
Ph: (02) 9998 5400
Fax: (02) 9898 5444

PROJECT
SHELL COVE
STAGE 4E
SUBDIVISION OF LOTS 4608 & 4609
LAYOUT PLAN

SCALE
H 1:400 (A1) V
DRAWING No.
01063-482-601 B

BY	APP'D	DATE	REV	AMENDMENT

INFORMATION



SHELLHARBOUR CITY COUNCIL
DEVELOPMENT CONSENT
 DA No. 551/02 DATED 24 SEP 2002

Approval has been granted to the applicant subject to conditions which are set out fully in the Development Consent. This plan shows the boundaries of the development.

This consent has been issued and a Principal Certifying Authority appointed.

Council is satisfied that the Long Service Levy has been paid where applicable.

(Mr) B A Weir
 General Manager



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BY	APP'D	DATE	REV	AMENDMENT

REV	DATE	DESCRIPTION
B	7.6.02	LOTS 4704, 4705 & 4706 AMENDED
A	4.6.02	ISSUED FOR INFORMATION

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INFORMATION

CLIENT	DESIGNED DATE	DRAWN DATE
AUS TRALAND		JUNE '02
SURVEYED	CHECKED DATE	APPROVED DATE
SURVEY FILE	DATE	

DEVELOPMENT CONSULTING Pty. Ltd.
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PROJECT
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STAGE 4E
SUBDIVISION OF LOTS 4608 & 4609
LAYOUT PLAN

SCALE	DRAWING No.	REV
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SHELLHARBOUR CITY COUNCIL

DEVELOPMENT CONSENT

DA No. 551/02 DATED 24 SEP 2002



Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan

These plans may be subject to modification. Please refer to the relevant documents.

Work must not commence until the relevant conditions have been issued and a Principal Certifying Authority appointed.

Council is satisfied that the Long Service Levy has been paid where applicable.

(Mr) B A Weir
General Manager



REV	APP'D	DATE	REV	AMENDMENT	BY	APP'D	DATE
B			DG	7.6.02			
A			DG	4.6.02			

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INFORMATION

CLIENT	#US;RALAND
SURVEYED	
SURVEY FILE DATE	
DESIGNED DATE	D.G. JUNE '02
CHECKED DATE	
APPROVED DATE	

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PROJECT

SHELL COVE
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SUBDIVISION OF LOTS 4608 & 4609
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