

**NOTICE TO APPLICANT OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

*Environmental Planning and Assessment Act, 1979,  
as amended*



23 JUL 2007

The Manager  
Australand Corporation (NSW) Pty Ltd  
PO Box A148  
SHELLHARBOUR NSW 2529

**Under Section 96 of the Act, notice is hereby given of the determination by the consent authority of the Development Consent No. 241/2006 (Pt 2).**

**Previous Consent**

This Consent amends Development Consent No. 241/2006 relating to the land described as:

**STAGE 6A (SHELL COVE) DISPLAY HOME VILLAGE &  
ASSOCIATED CAR PARK**

**LOT: 22 DP: 1035074  
72 KILLALEA ACCESS ROAD, SHELL COVE**

**LOT: 1207 DP: 864021  
BUCKLEYS ROAD, SHELL COVE**

**Amendments approved under DA 241/2006 (Pt 2) are:**

- Condition no. 1 modified to increase the date of the deferred commencement consent from 6 months to 12 months.

**Approved plans relating to the development are:**

- All plans approved under Development Consent No. 241/2006.

The Application for Amendment has been determined by the GRANTING OF AMENDMENT OF A DEFERRED COMMENCEMENT CONSENT [SECTION 80 (3)] UNDER DELEGATED AUTHORITY SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE.

The conditions of consent are set out as follows:

1. Amended Condition – DA No. 241/2006 (Pt No. 1)

All communications

addressed to:

**GENERAL MANAGER**

PO Box 155

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour City Centre

Email: [records@shellharbour.nsw.gov.au](mailto:records@shellharbour.nsw.gov.au)

Web: [www.shellharbour.nsw.gov.au](http://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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This consent must not operate until such time as the developer has, to the satisfaction of the Council of the City of Shellharbour, provided written evidence from the Land and Property Information Division, Department of Lands, that Stage 6A of the Shell Cove Subdivision, subject of Development Application No. 62/2003 (Pt 3), has been registered.

Relevant written evidence from the Land and Property Information Division must be submitted to Council's satisfaction within twelve months from the date of issue of the deferred commencement consent (refer accompanying letter), otherwise the development consent shall lapse.

All costs associated with the registration of the subdivision plan (Stage 6A) must be borne by the registered proprietor/s of the land.

### **CONSTRUCTION CERTIFICATE & PCA NOTIFICATION**

2. **Before any site works, building, demolition or use is commenced**, the person having the benefit of the development consent must:
  - a. obtain a construction certificate from Shellharbour City Council or an accredited certifier (S81A)
  - b. appoint a principal certifying authority (S81A).

### **LEGISLATION**

3. The car park must be erected in strict conformity with the plans, specifications and conditions approved by Council and in compliance with the requirements of the Environmental Planning Instruments, relevant Development Control Plans and the *Building Code of Australia*.

### **BUILDING COMPLETION**

4. All conditions of consent must be complied with prior to the car park being occupied. The Principal Certifying Authority must issue a certificate verifying all conditions have been satisfied.

### **OCCUPATION CERTIFICATE**

5. The car park must not be occupied or used until the Principal Certifying Authority issues an occupation certificate.

### **ENVIRONMENTAL**

6. Before construction starts, the builder must install runoff and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control system must be maintained in a good effective order and remain in place until the land has been stabilised.

## WASTE MANAGEMENT

7. The management of waste must comply with the approved Waste Management Plan attached with this consent. Any variations to the Waste Management Plan must be approved by Council in writing.

A metal waste container with a minimum capacity of 4m<sup>3</sup> must be provided on site for the disposal of 'General Waste' designated for landfill.

## HOURS OF WORK DURING CONSTRUCTION

8. Any building work must be carried out between 7.00am and 6.00pm, Mondays to Fridays and 8.00am and 12 noon Saturdays, excluding public holidays.

## MANDATORY INSPECTIONS

9. In accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*, mandatory inspections are required to be carried out by the Principal Certifying Authority at various stages of construction.

## ERECTION OF SIGNS

10. 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.

## CAR PARK REQUIREMENTS

### Site Facilities

11. At all times the number of on-site parking bays provided must be sufficient to cater for the parking demands of the development. In this regard, a minimum of 49 spaces must be provided for the proposal, of which 33 paved spaces must be provided.

Note: If the overflow parking generates erosion and/or tracking of sediment on to the road, Council may require the overflow parking area to be stabilised by a Council approved method.

### Landscape & Street Trees

12. Prior to the final inspection by the Principal Certifying Authority, the car park must be landscaped and planted with turf, trees and shrubs in accordance with the approved landscape plan. The area of hard impermeable surface must not



increase. Any variations to the design or species used must be authorised by Council in writing.

13. No machinery, building materials, waste materials, port-a-loos and the like must be located adjacent to street trees.
14. Street trees that are damaged or removed must be replaced with the same species at the same stage of maturity at the developer's expense. Street trees that are to be replaced must be planted in the same location as the existing tree, 900mm in from the kerb. Each tree shall be planted with two hardwood stakes with 50mm hessian ties for support and organic mulch to a depth of 75mm. The tree type to be used is 500 lt *Cupaniopsis anacardioides*.

Tree guards that are damaged or removed must be replaced at the developers expense.

### **Retaining Walls**

15. Any cut and filled areas associated with the building work must be suitably retained.

Any retaining wall must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures. A retaining wall with a height exceeding 600mm must be designed by a practising structural engineer and a construction certificate must be obtained prior to the commencement of work on the retaining wall.

### **LAND USE**

16. With reference to the plan of subdivision with Drawing No. CS0057-A-C01, Revision C, dated 20 December 2004, the display home village relates to lot nos 6026 – 6030, 6036, 6076 and 6079 – 6084 of Shell Cove Stage 6A subdivision and the associated car park relates to lot 6035 of Stage 6A subdivision and lots 6033 & 6034 of proposed Shell Cove Stage 6B-1 subdivision.
17. No dwelling and associated building work/s is permitted by the granting of this consent. A separate development application must be made to, and consent obtained from, Council for the dwellings of the display home village.
18. The use of the dwellings as display homes and the associated car park is limited to an initial consent period of 48 months. The consent period will commence from the date of opening of the first display homes.

If after this 48 month period, it is intended that the operation of the display homes are to continue, written application, together with payment of the appropriate fee must be lodged with Council prior to the end of this 48 month period. When

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assessing this application, Council will be mindful of any problems encountered or complaints received during this initial consent period.

### **Signage**

19. No signage must be erected or displayed without first gaining development consent from Council. Regard must be given to the *Advertising and Identification Signs Development Control Plan No. 5/97, State Environmental Planning Policy No. 64 - Advertising & Signage* and to any existing approved signage associated with the Display Home Village when preparing such an application.

### **Hours of Operation**

20. Hours of operation must be confined to the working hours 8.30am to 5.30pm Mondays to Sundays, unless otherwise approved by Council in writing.

### **General**

21. At the end of the operational life of the display home village, all hard stand surfaces of the display village car park must be removed and the surface must be reinstated with turf.
22. At the end of the operational life of the display home village, all signage structures, including footings, associated with the display home operations must be removed. All disturbed surfaces must be restored to the satisfaction of Council and reinstated with turf.

## **ENGINEERING**

### **Car Park Drainage**

23. A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must be prepared by an appropriately qualified person to the satisfaction of the Principal Certifying Authority and indicate the method of disposal of all storm water and must include:
  - a. existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines
  - b. associated scour control with the proposed headwall and details of the pipe extension.

### **Note:**

- i. The proposed headwall must be extended north, past the proposed 'overflow' car parking area.



- ii. Any pipe proposed under or adjacent to a car parking area must be a fibre reinforced cement or concrete pipe.
24. To prevent uncontrolled surface flow from the sealed car park to the overflow car parking area, the proposed crossing must be raised so that all stormwater is directed directly to the proposed pit. Evidence that this requirement has been met must form a part of the application for the Construction Certificate.
25. All car parking spaces (nos 1 – 33) must have minimum dimensions of 2.6m x 5.5m adjacent to a 7m wide access aisle. A lesser aisle width is permitted provided that for every 0.4m reduction in the aisle width below 7m there is a corresponding increase in the car space width of 0.1m. The car spaces for people with a disability must have a minimum width of 3.2m. (AS 2890.1-2004)
26. Car parking areas (nos 1 – 33), manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Australian Standard *Guide to Residential Pavements* (AS 3727 – 1993 or subsequent amendments) can be used as the design guideline for the pavement design.
27. All car parking areas must have a maximum cross fall grade of 5% and a longitudinal grade of 6.25% (AS 2890.1-2004). Evidence that this requirement has been met must form a part of the application for the Construction Certificate.

#### **Kerb, Gutter & Footpath Works**

28. A residential standard vehicular layback crossing must be constructed at the point of access. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.
29. A residential standard concrete footpath crossing, width 6m, must be constructed across the footpath at the point of access and must be finished with a slip resistant coating. The footpath crossing must maintain a perpendicular alignment from the kerb to the property boundary line. This work must be carried out by Council, or a Council approved contractor, at the developers expense, including all alterations of public infrastructure where necessary.
30. Pursuant to Section 142 (i)(a) of the *Roads Act, 1993*, the person who has a right to the control, use or benefit of a structure or work in, on or over a public road (namely a footpath crossing), must maintain the structure or work in a satisfactory state of repair.
31. Work must not be carried out within the Public Road Reserve unless a Road Opening Permit under the *Roads Act, 1993* has been issued by Council for every opening of the public reserve. An application fee will apply in accordance with Council's *Revenue Policy*.

### Site Management Plan

32. Prior to the issue of a construction certificate, the applicant must submit to and obtain approval of a construction and site management plan, from the Principal Certifying Authority and Council, that clearly sets out:
- 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. 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
  - e. 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 accredited certifier in civil engineering.

Where it is proposed to:

- i. pump concrete from within a public road reserve
- ii. stand a mobile crane within the public road reserve
- iii. use part of Council's road/footpath area
- iv. pump stormwater from the site to Council's stormwater drains
- v. store waste containers, skip bins and/or building materials on part of Council's footway or roadway

written applications together with any necessary fee, must be made to Council for the temporary occupation of any public road reserve.

Approval must be obtained prior to any works commencing on site.

### ***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.



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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.

Endorsement of date of consent..... 20 JUL 2007 .....

NOTES:

1. This amended development consent replaces the consent originally given to you and any other amendment.
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.
3. If you are unsure of the date, which this consent becomes valid, refer to Section 83 of the Act.
4. To find out the date this consent will lapse, refer to Section 95 of the Act.
5. If you are dissatisfied with any decision of this consent, then you have the right to appeal to the Land & Environment Court.

You must do this within 60 days after the receipt of this notice.

1. Even though this consent is issued under the *Environmental Planning and Assessment Act, 1979*, the provisions of a restrictive covenant, agreement, instrument or other statutory provision may prevent the development which is the subject of this consent. You may wish to seek independent legal advice in this regard prior to acting on the consent.
2. You are advised that the plans and conditions of this consent must be complied with and you may only vary them if you make a written application, pay the correct fee and we give you written approval to amend the application.



Graham Mitchell  
**Manager Development Services**

on behalf of Brian A Weir, General Manager