

11 SEP 2015

Australand Corporation (NSW) Pty Ltd  
PO Box 4148  
SHELLHARBOUR NSW 2529

**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. 7.2015.41.1 for consent to the following development:

**STAGED MULTI DWELLING HOUSING COMPRISING OF 27 DWELLINGS AND 2  
SECONDARY DWELLINGS WITH SUBDIVISION TO INCLUDE 9 TORRENS TITLE LOTS &  
18 COMMUNITY TITLE LOTS**

**LOT 1275 DP 1175512**

**SHALLOWS DRIVE SHELL COVE NSW 2529**

**Determination date of consent:**

10 SEP 2015

In accordance with section 80 of the Act the Development Application has been determined by the JOINT REGIONAL PLANNING PANEL HELD ON 26 AUGUST 2015, ITEM NO. 2015STH010 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.

**PART A - ADMINISTRATIVE CONDITIONS**

**A1 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 a ccredited certifier, and
- b. appoint a Principal Certifying Authority.

**A2 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*.

**A3 Development in Accordance with Plans and Documents**

The development must be in accordance with the following except as modified by conditions of this consent.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Overall Site Plan	Australand	1.0, Rev B	09/06/2015
Ground Floor Plan	Australand	2.1, Rev B	09/06/2015
First Floor Plan	Australand	2.2, Rev B	09/06/2015
Streetscape	Australand	3.1, Rev A	19/12/2014
DA plans and Elevations	Australand	5.1/A – 5.13/A, Rev A	19/12/2014
Garage Plans and Elevations	Australand	5.14 Rev A, 5.15 Rev B, 5.16 Rev A, 5.17 Rev B, 5.18, Rev A	15/12/2014 06/09/2015 19/12/2014 09/06/2015 19/12/2014
BASIX*	Victor Lin & Associates Pty Ltd	603614M	21/01/2015
Waste Management Plan	-	Project: Multi-Dwelling Development (27 Dwellings on CN 1801-1827 in proposed Lot 1725 Shell Cove	-
Subdivision Plan – Torrens and stage 1	Bruce Ernest Smith	Draft Subdn. Plan – v1	11/05/2015
Subdivision Plan – Community Title and stage 2	Bruce Ernest Smith	Draft Subdn. Plan – v2	19/05/2015
Concept Landscape Plan	EcoDesign	L-01 – L-07	Rev B
Colour/Material Schedule	Arkee	Finishes Palette, Shell Cove Master	-
Concept Drainage Plan	Cardno	FR112021-021 SK001 Rev 1	29/01/2015
Acoustic Report	Acoustic Logic	Stage 10D6, Lot 1725, Shell Cove, 20150040.1/2801A/R0/Yk	28/01/2015

**A4 Staging of Development**

The development shall be staged as follows, unless otherwise approved by Council in writing:

Stage 1 - Torrens Title subdivision of Lot 1725 to construct 9 dwellings with subdivision and 1 residue lot for subsequent community title development and the internal car court.

Stage 2 - Community Title subdivision of the residue lot in Stage 1 to construct 18 dwellings with subdivision including one lot for the internal access driveway.

#### **A5 House Numbering**

House numbering will be as follows, as annotated on the approved subdivision plan:

- a. Lot 1801 - 2 Cowries Avenue Shell Cove 2529
- b. Lot 1802 - 4 Cowries Avenue Shell Cove 2529
- c. Lot 1803 - 6 Cowries Avenue Shell Cove 2529
- d. Lot 1804 - 8 Cowries Avenue Shell Cove 2529
- e. Lot 1805 - 10 Cowries Avenue Shell Cove 2529
- f. Lot 1806 - 12 Cowries Avenue Shell Cove 2529
- g. Lot 1807 - 14 Cowries Avenue Shell Cove 2529
- h. Lot 1808 - 16 Cowries Avenue Shell Cove 2529
- i. Lot 1809 - 18 Cowries Avenue Shell Cove 2529
- j. Lot 1810 - 20 Cowries Avenue Shell Cove 2529
- k. Lot 1811 - 22 Cowries Avenue Shell Cove 2529
- l. Lot 1812 - 100 Harbour Boulevard Shell Cove 2529
- m. Lot 1813 - 102 Harbour Boulevard Shell Cove 2529
- n. Lot 1814 - 104 Harbour Boulevard Shell Cove 2529
- o. Lot 1815 - 106 Harbour Boulevard Shell Cove 2529
- p. Lot 1816 - 108 Harbour Boulevard Shell Cove 2529
- q. Lot 1817 - 110 Harbour Boulevard Shell Cove 2529
- r. Lot 1818 - 112 Harbour Boulevard Shell Cove 2529
- s. Lot 1819 - 114 Harbour Boulevard Shell Cove 2529
- t. Lot 1820 - 116 Harbour Boulevard Shell Cove 2529
- u. Lot 1821 - 118 Harbour Boulevard Shell Cove 2529
- v. Lot 1822 - 120 Harbour Boulevard Shell Cove 2529
- w. Lot 1823 - 122 Harbour Boulevard Shell Cove 2529
- x. Lot 1824 - 124 Harbour Boulevard Shell Cove 2529
- y. Lot 1825 - 126 Harbour Boulevard Shell Cove 2529
- z. Lot 1826 - 128 Harbour Boulevard Shell Cove 2529
- aa. Lot 1827 - 130 Harbour Boulevard Shell Cove 2529

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

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

##### **B1 Amendments to Approved Plans**

The amendments described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- a. the landscape plan must be updated to include the following:
  - i. Sheet No. L06 – the proposed landscaping located on the road reserve of both sides of the northern driveway of the proposed development is to be removed,
  - ii. The bollard lighting located within the road reserve at the northern entrance of the proposed development is to be relocated within the property boundary, and
  - iii. the use of the tree species *Cupaniopsis anacardioides* is to be omitted and is to be replaced with the tree species *Buckinghamia celsissima* or an alternative to be approved in writing by council.

#### **B2 Section 94 Contributions – Stage 1**

A contribution of \$89,754.51, subject to annual indexation, must be paid to Council towards the provision of community infrastructure and 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 2013* dated 18 December 2013.

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](http://www.shellharbour.nsw.gov.au)

#### **B3 Section 94 Contributions – Stage 2**

A contribution of \$201,947.64 subject to annual indexation, must be paid to Council towards the provision of community infrastructure and 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 2013* dated 18 December 2013.

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](http://www.shellharbour.nsw.gov.au)

#### **B4 Detailed Drainage Design (Subdivision)**

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 plan no. FR112021-021 SK001 revision P1 prepared by Cardno on 29/01/2015,
- b. for subdivision – Lots 1801-1809 drain to the newly created stormwater easement on the proposed community lot 1810,
- c. for buildings - two detailed designs for drainage options to be provided. Option 1 to indicate Lots 3 to 18 drain to the street. Option 2 to provide detailed design for drainage of lots 3 to 18 if the construction of Harbour Boulevard has not commenced,
- d. the Torrens title lots 1801-1809, and lots 2 & 19 to drain to the newly created stormwater easement on the adjoining lot to the rear,
- e. 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,
- f. be to the satisfaction of the Certifying Authority,

- g. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- h. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- i. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- j. include 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.

#### **B5 Structural Design of Deep Pits**

All pits must be consistent with the following requirements:

- a. pits deeper than 0.9 metres must be designed by a certified structural engineer and be in accordance with *AS3600-2009*,
- b. pits deeper than 1.2 metres must have Galvanised Steel or Stainless Steel step irons (plastic coated black steel step irons will not be accepted), and
- c. pits deeper than 1.8 metres are to be reinforced concrete.

Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority prior to issue of the Construction Certificate.

#### **B6 Drainage Easement & Engineer's Details**

The walls of any structure adjoining the easement boundary must be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require footings to be designed such that they are set to a minimum 300mm below pipe invert level, or alternatively founded on sound rock. Details must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

#### **B7 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.

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.

#### **B8 Initial Geotechnical Report**

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,

- c. level of geotechnical supervision for each part of the works as defined under *AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers shall be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. the recommended treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines,
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

#### **B9 Soil and Water Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan. The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition rehabilitation techniques that are necessary to deal with such activities should be referred to.

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,
- d. preserve existing vegetation and identify revegetation techniques and materials.
- e. control surface water flows through the development construction site on 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.
  - 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 stabilized (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 10 year ARI event at all inlet and outlet structures, and
- J. including measures to prevent the tracking of sediment off the site.

#### **B10 Retaining Walls**

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practicing structural engineer and a Construction Certificate must be obtained prior to the commencement

of work on the retaining wall.

All retaining walls 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.

#### **B11 Driveway Finishes**

The surface finish of the internal road within the property must include at least two different materials and/or colours to break up the visual impact of the driveway and compliment the development. Uncoloured concrete is not acceptable as the dominant material. Details are to be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.

#### **B12 Visitor Parking Materials**

The visitor car parking space/s must be clearly defined with paving materials and/or colours that are different to the driveway. Line marking to delineate the visitor car parking spaces is not acceptable. Consideration should be given to using semi-pervious paving materials for visitor parking areas to soften the appearance of these areas and to allow for onsite infiltration of water. Details must be shown on the plans submitted to the Certifying Authority prior to the issue of the Construction Certificate.

#### **B13 Engineer Designed Pavement**

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

#### **B15 Impact on Existing Easements**

Plans submitted with the Construction Certificate must show all drainage easements:

- a. are free of encroachments from any structure, including footings and eave overhangs (driveways and paved areas are excluded from this condition),
- b. are free of any cut and fill platforms, and
- c. have no loss of support as a result of excavations.

#### **B16 Acoustic Attenuation**

Prior to the Construction Certificate being issued the developer must demonstrate how the development will comply with the acoustic report prepared by Acoustic Logic (Stage 10D6, Lot 1725 Shell Cove, Doc reference 20150040.1/2801A/RO/YK). This can be demonstrated by the placement of these requirements on the construction certificate drawings.

#### **B17 Footpath**

A 1.2m wide concrete footpath must be constructed along the road frontage of Lot 1275, DP 1196559. 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. The path must be constructed in accordance with the following requirements:

- a. 25Mpa concrete 100mm thick and steel reinforced,
- b. connelly key joints are to be used every 3m with the appropriate plastic strip in place on top to ensure a good finish,
- c. an expansion joint is to be placed every 12m and must have the reinforcing pass through it

and,

- d. all connections to existing paths and gutters must be dowelled.

#### **B18 Medium Density Pit Requirements**

The private open space of each residence must contain at least one stormwater drainage pit of dimensions not less than 300mm x 300mm and be suitably graded to this pit. Details to this effect are to be included on the detailed drainage design submitted to the certifying authority for the Construction Certificate.

#### **B19 Pit Grates**

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

#### **B20 Pit at Property Boundary**

All stormwater drainage to go to pit just within and adjacent to property boundary prior to discharge. This pit shall have a debris screen installed.

#### **B21 Engineer Designed Pavement (Residential)**

The vehicle 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. Pavement to comply with *Australian Standard 'Guide to Residential Pavements' (AS 3727-1993 or subsequent amendments)*.

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

#### **C1 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.

#### **C2 Site Meeting**

A site meeting with Council's Engineer, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.

#### **C3 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.



#### **C4 Subdivision Design Code Compliance**

All works to be dedicated as a Council asset must be installed/constructed in accordance with Council's *Subdivision Design Code*.

#### **C5 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.

#### **C6 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 for the footings or slab must make specific reference to fill as a consideration.

Council records indicate that this site has a soil classification of 'H'. The engineer's design must make specific reference to the classification as a consideration.

#### **C7 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. 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.

#### **C8 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993**

For works within the road reserve such as:

- a. opening up a roadway or footpath, e.g. a driveway, or
- b. occupying the public road reserve for any reason (common reasons include to pump concrete, stand mobile cranes, pump stormwater from the site)

a Road Opening Permit under section 138 of the *Roads Act 1993* is required.

An application (copy attached to this consent) must be made to Council for the temporary occupation of the road reserve prior to works commencing.

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

#### **C9 Pit Grates**

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

#### **C10 Pit at Property Boundary**

All stormwater drainage from residential lots to go to pit just within and adjacent to property boundary prior to discharge. This pit shall have a debris screen installed.

#### **C11 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.

#### **C12 Removal of Overhead Power Lines**

No works are to commence within the area delineated area of 'Easement for Overhead Powerlines 9 wide' affecting Lot 1725 in DP1196559 until such time that the overhead power lines have been removed. Documentary evidence must be provided to the Certifying Authority from Endeavour Energy confirming that the overhead power lines have been removed.

### **PART D - DURING CONSTRUCTION WORKS**

#### **D1 Hours of Work During Building Work**

Noise generating activities, including excavation, construction and delivery of equipment and materials, 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.

#### **D2 Maintenance of Erosion & Runoff Controls**

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.

### **D3 Waste Management**

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

### **D4 Storage of Materials**

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

### **D5 Survey Certification**

A report from a registered surveyor must be provided to the Certifying Authority 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

### **D6 Cut/Fill**

The cut and fill areas must:

- a. be suitably retained,
- b. be in accordance with the approved plans,
- c. have a maximum grade of 45° (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area, and
- d. not exceed 1m in depth outside the external walls of a building, unless otherwise approved in writing by Council.

### **D7 Retaining Wall on Boundary**

All retaining walls 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.

### **D8 Lots and Site Filling**

All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with *AS 3798-2007* or subsequent amendments.

### **D9 Excavation & Drainage Easement**

There must be no loss of support of the drainage easement as a result of excavation of the site.

### **D10 Construction Management**

During the construction phase of the development, the head contractor is responsible to implement the following management strategies:

- a. Use of silt fencing to ensure sediment laden runoff does not occur on site during earthworks,

- b. The hours of construction shall be in accordance with Council's standard construction hours unless prior arrangements are made,
- c. Prior to works commencing advise adjoining landowners of the works program and provide the contractors details should any concerns need to be raised during works,
- d. Building contractors are to implement the requirements of the Office of Environment "Interim Construction,
- e. Noise Guideline (July 2009)" as far as practicable,
- f. All reasonable, practicable steps are to be undertaken to reduce noise and vibration from the site,
- g. Construction noise is to be attenuated with the use of screening, acoustic enclosures, engine silencing and substitution by alternative processes to reduce noise emission levels from typical construction equipment,
- h. Plant and equipment is to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded.

#### **D11 Maintenance of Soil and Water Management Plan (SWMP)**

The soil and water management controls must be maintained at all times during each stage of the development 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 and,
- b. drains, gutters and roads are maintained clear of sediment at all times.

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.

#### **D12 Drainage Construction**

Construction of stormwater drainage to comply with Detailed Drainage Design Condition option 1 if Harbour Boulevard is constructed or option 2 if Harbour Boulevard is not constructed.

#### **D13 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*.

#### **D14 Driveway and Layback - From Kerb to Property Boundary**

A standard industrial 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. have a minimum width of 6m for main carcourt off Cowries Avenue, except for the northern driveway which is to be reduced to 5m.
- c. Driveways for Lots 1801-1809 to be 3.5m max at property boundary.
- d. not interfere with the existing public utility infrastructure,
- e. be located 500mm clear of all drainage structures and 2m from the street tree,
- f. be finished with a slip resistant coating, and
- g. 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.

#### **D15 Unexpected Finds Contingency**

Should any further suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment.

In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

### **PART E - PRIOR TO OCCUPATION**

#### **E1 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 building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

#### **E2 Sydney Water Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer [www.sydneywater.com.au](http://www.sydneywater.com.au) > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### **E3 Electricity Supply**

Prior to the release of the Occupation Certificate for the development, the relevant electricity provider must provide written advice to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied.

### **E4 BASIX**

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

### **E5 Works As Executed - Stormwater Drainage**

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the 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 Acoustic Protection Measures**

Upon completion of all works and prior to the issue of an Occupation Certificate for each stage of the development, written certification from a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority stating that all noise mitigation measures have been incorporated as required by condition B16 Acoustic Attenuation.

### **E7 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 dockets or photographic evidence, must be retained by the Principal Certifying Authority.

### **E8 Site Facilities - Private Open Space Dimensions & Gradient**

Prior to the issue of an Occupation Certificate,

- a. the open space area of each dwelling must include a private open space area with minimum dimensions of 4m x 5m and this private open space area must exclude all encroachments such as steps, pergola/verandah posts, retaining walls, clothes drying facilities, landscaping, and the like, and
- b. the private open space areas of each dwelling must, when the development is completed, have a maximum gradient of 1 in 20.

### **E9 Completion of Landscape Works**

The unbuilt upon land, with the exception of the paving, must be landscaped 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 plan 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.

### **E10 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. All damage must be repaired and reinstated

prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

#### **E11 Sign for Visitor Parking**

A sign, legible from the car court, must be permanently displayed to indicate the availability of visitor parking prior to the release of the Occupation Certificate.

### **PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

#### **F1 Partial Completion of Building Works Required**

The Subdivision Certificate for the Torrens Title Subdivision must not be released until the walls of dwelling lots 1801-1809 has been constructed to a minimum height of 1.0m. Evidence that this requirement has been satisfied must be provided in the form of a Registered Surveyor's Identification Survey Report. The survey report must show all allotment boundaries and the position of the building/s in relation to the boundaries.

In addition, the Subdivision Certificate for the Torrens Title Subdivision must not be released until such time that documentary evidence is provided from Endeavour Energy confirming the Easement for Overhead Power lines 9 wide affecting Lot 1725 DP1196559 has been extinguished.

#### **F2 Community Title Subdivision**

Prior to the issue of the Subdivision Certificate, a Community Plan must be produced in accordance with the *Community Land Development Act 1989* and submitted to the Certifying Authority for approval. The plan must include a Community Management Statement which complies with Schedule 3 of the above Act and also include the following matters:

- a. an easement on all lots for support, access and maintenance 900mm wide adjacent to the "zero" lot line walls,
- b. easements for drainage, including requirements of support, access and maintenance,
- c. lots 3-5 to present bins at the northern end of Cowries Avenue Access point,
- d. lots 2, 6-14 and 19 to present bins at the north-western Cowries Avenue access points,
- e. and lots 15-18 to present bins along Shallows Drive, at the southern access points, and
- f. ensuring dwellings within the community scheme are entitled to utilise the community allotment (lot 1), including visitor car parking and shares in the costs associated with its upkeep (maintenance levies and the like).

#### **F3 Partial Completion of Building Works Required**

The Subdivision Certificate for the Community Title Subdivision must not be released until the common walls of dwelling lots 1-19 been constructed to a minimum height of 1.0m and the requirements of the preceding condition have been satisfied unless otherwise agreed to in writing by council. Evidence that the requirement regarding wall heights has been satisfied must be provided in the form of a Registered Surveyor's Identification Survey Report. The survey report must show all allotment boundaries and the position of the building/s in relation to the boundaries.

#### **F4 Final Geotechnical Report**

A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant must be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate. The report must include, but is not necessarily limited to:

- a. all earthwork operations,
- b. a fill plan showing extent and depth of fill,

- c. certification that all earthworks within the site have complied with the Subdivision Design Code. This must include appropriate test results, and test location diagram and date of testing,
- d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied,
- e. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments,
- f. identification of all land affected by landslip or instability constraints (if applicable), and
- g. verification that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill.

#### **F5 Lot Creation Geotechnical Report**

A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:

- a. the classification of the proposed lot in accordance with the Australian Standard 2870- Residential Slabs and Footings or subsequent amendments,
- b. the classification of the lot in relation to risk of slope instability, and
- c. the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

#### **F6 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,
- 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](mailto:traffic&subdivision@shellharbour.nsw.gov.au). The email and the electronic copy should be named "Subdivision Title & Stage DANo/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.

#### **F7 Works As Executed Plans - Subdivision**

Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. As a minimum the plan must show:

- a. compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines,
- b. certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement,
- c. compliance with the approved design plans of paved areas within rights of carriageway and road reserve,
- d. the extent, depth and final levels of filling,



- e. the location of all underground service conduits, and
- f. all deviations from the approved Civil Engineering Plans.

All levels must relate to Australian Height Datum.

#### **F8 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 with respect to:

- a. access and maintenance for structures on the boundary or immediately adjacent to,
- b. the provision of legal and practical access (e.g. reciprocal rights of carriageway),
- c. landscaping on boundaries,
- d. drainage structures,
- e. an easement on all lots for support, access and maintenance 900mm wide adjacent to the "zero" lot line walls,
- f. easements for drainage, including requirements of support, access and maintenance, and

#### **F9 Easements on Title**

Easements must be registered on the property title covering the following aspects of the development prior to the release of the final plan of subdivision:

- a. drainage of lot 1801 to lot 1809 onto the adjoining community title lot.

### **PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION**

#### **G1 BASIX Commitments**

All commitments listed in the BASIX Certificate/s for the development must be maintained for the life of the development.

#### **G2 Allocation of Visitor Parking**

The visitor car parking spaces must always be available for visitor parking and must not at any time be allocated, sold or leased to an individual owner/occupier. In this regard, the visitor car parking spaces must form part of the common property in the strata subdivision.

#### **G3 Waste Bins**

The waste management of the individual waste bins must comply with the following requirements:

- a. waste receptacles must be presented to the kerb, not impeding onto adjoining properties or Council's road verge and collected immediately after collection service, and
- b. between collection periods, all waste/recycling materials generated onsite will be securely enclosed in bins and stored at their dwelling property

### **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.

**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.

**ANP3 Corrosion Protection of Metal Roofing**

Attention is drawn to the provisions of Table 3.5.1.1a of the *Building Code of Australia* (Housing Provisions) regarding corrosion protection of metal roofing in coastal areas.

**ANP4 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.

**ANP5 Sydney Water - Subdivision & Services**

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

**ANP6 Lead Roof Flashing Not Permitted**

Lead must not be used on any roof forming part of a potable water catchment area, ie any roof draining to a rainwater tank that may be used for drinking water. (BCA 3.5.2.2).

**ANP7 Air Conditioner**

The use of any air conditioner must not cause offensive noise at any time.

**Note:** Compliance with this requirement may necessitate the provision of an acoustic enclosure or acoustic treatment to the system and/or the restriction of hours of use of the air conditioning system. The *Protection of the Environment Operations (Noise Control) Regulation 2000* prohibits the use of any air conditioner at prescribed times when it can be heard in adjoining premises.

**ANP8 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*.

**ANP9 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

#### **AN1 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.

#### **AN2 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.

#### **AN3 WorkCover Authority**

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

#### **AN4 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.

#### **AN5 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

#### **AN6 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.

#### **AN7 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.

#### **AN8 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.

#### **AN9 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

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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.

#### **AN10 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.

#### **AN11 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.

#### **AN12 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 (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.

#### **AN13 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.

#### **AN14 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



Anthony Randall  
**Team Leader – Planning**

On behalf of Michael Willis, General Manager