

24 MAY 2005

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

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



TO: The Manager  
Australand Holdings Limited  
PO Box A148  
SHELLHARBOUR 2529

Being the applicant of Development Application No. 19/2004 for consent to the following development:

**15 DWELLINGS, 9 LOT TORRENS SUBDIVISION AND 6 LOT COMMUNITY TITLE SUBDIVISION**  
**LOT: 4707 DP: 1061816**  
**GORE AVENUE, SHELL COVE**

BUILDING CODE OF AUSTRALIA  
BUILDING CLASSIFICATION: Class 1a, 10a & 10b  
Determination date of consent ..... **23 MAY 2005**

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

**TORRENS & COMMUNITY TITLE SUBDIVISION**

**CONSTRUCTION CERTIFICATE(S) (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)
  - b. appoint a Principal Certifying Authority (S81A).

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

## LEGISLATION

2. The subdivisions must be carried out in strict conformity with the plans, specifications and conditions approved by council.
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(s) (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 for both torrens and community title subdivision it will be necessary to obtain subdivision certificates. 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.
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 and Integral Energy.

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8. The developer must 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. A restriction must be placed on the 88B Instrument creating an interallotment drainage easement and easement for services, 1m (minimum) wide, over all interallotment drainage pipelines and services. Favourable consideration will be given by council to remove this easement if services and drainage are mutually exclusive.
10. A restriction must be placed on the 88B Instrument creating an easement for support and maintenance of any walls, guttering, eaves on or over boundaries as the case may be.

**GENERAL**

11. 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.

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 to the *Your Business* section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the *e-Developer* icon or telephone 13 2092 for assistance.

Following application a *Notice of Requirements* will advise of 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.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the construction certificate(s) being issued.

The Section 73 Certificate must be submitted to the Principal Certifying authority prior to release of the plan of subdivision(s).

12. 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.
13. As Torrens and Community Title subdivision is proposed, Sydney Water should be consulted with regard to the need for separate services to be provided for each dwelling.

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14. The subdivision certificate(s) shall not be released until all conditions of development consent relating to the construction of the dwellings have been complied with.

#### **COMMUNITY TITLE SUBDIVISION**

15. A Neighbourhood Management Statement must be submitted with the subdivision certificate application for the Community Title subdivision.

### **DWELLING CONSTRUCTION REQUIREMENTS**

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

16. **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**

17. The building must be erected in strict conformity with the plans, specifications and conditions approved by council (see note 3).

#### **BUILDING COMPLETION**

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

#### **EASEMENTS**

19. No part of any structure shall encroach onto any easement.

#### **ENVIRONMENTAL**

20. 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

21. 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 four cubic metres must be provided on site for the disposal of 'General Waste' designated for landfill.

## HOURS OF WORK DURING CONSTRUCTION

22. Any building work must be carried out between 7.00am and 6.00pm, Monday to Friday and 8.00am and 12 noon Saturdays, excluding public holidays.

## MANDATORY INSPECTIONS

23. 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

24. 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.

## CONSTRUCTION DETAILS

25. Full engineering details, roof truss and bracing details shall be submitted to the Principal Certifying Authority prior to the commencement of any work.

## Safe Movement & Access

26. The stairway including the dimensions of the treads, risers and all construction details and dimensions must comply in all respects with the provisions of Part D2 of the Building Code of Australia.
27. The provisions of balustrades in accordance with D2.16 of the Building Code of Australia. Balustrades that are required to be provided to all balconies, decks and the like must have a minimum height of 1.0m and openings in the balustrade must not exceed 125mm.
28. A landing not less than 750mm long must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level, or floor to ground level greater than three risers or 570mm.

### Fire Safety

29. To reduce the spread of fire the wall dividing the units must extend to the underside of a non-combustible roof, be constructed to achieve a Fire Resistance level of not less than 60/60/60 and be constructed to comply with Part 3.7.1 of the Building Code of Australia.

Note: Timber battens may cross the dividing wall if:

- a. the roof covering is non-combustible
  - b. the roof battens do not exceed a size of 75mm x 50mm
  - c. the gap between the top of the wall and the underside of the roof covering being packed with mineral fibre or other suitable fire resisting material.
30. The construction of eaves and gutters must comply with Part 3.7.1.7 of the Building Code of Australia.

### Sound Attenuation

31. The wall separating each unit must be constructed of material that achieves a weighted sound reduction index ( $R_w$ ) of 45 in accordance with Part F5 of the Building Code of Australia.

### Roof Sarking

32. Roof sarking must be provided unless written documentation is submitted, from the roof manufacturer, stating sarking is not required.

### Survey Certificate

33. A survey certificate must be given to the principal certifying authority on completion of the floor slab formwork, before concrete is poured. The survey certificate must detail the location of the structure to the boundaries and confirm that the levels are in accordance with the approval and relate to the datum shown on the consent.

### Building Height

34. The building must not exceed 8m.

Note: Council's Residential Control Plan states *the maximum height of a dwelling must not exceed 8 metres above natural ground level.*

### Energy Efficiency

35. The building must achieve a minimum energy rating of 3.5 stars and must be constructed in accordance with the stamped NatHERS plans and Energy Rating Report.

### Hot Water System

36. The hot water system installed must have a minimum energy rating of 3.5 stars in accordance with the Shellharbour Council's Energy Smart Homes Development Control Plan.

### Retaining Walls

37. The cut and filled areas associated with the building work must be suitably retained in accordance with council's Residential Policy (**Development Control Plan No. 99/4.**) Where the retaining wall exceeds 600mm in height, it must be located 400mm from an adjoining boundary.

A construction certificate for the retaining wall must be obtained prior to the commencement of work on the retaining wall.

## TOWN PLANNING

### Landscape & Site Facilities

38. 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 two spaces per dwelling must be provided for the proposal. Three visitor spaces must be provided within the community property and referred to in the neighbourhood management statement.
39. Location points for mail delivery shall satisfy the requirements of Australia Post. House numbers must be obtained from council's GIS Department during normal office hours, prior to the issue of an occupation certificate.
40. Clothes hoists or clothes lines must be provided at the rate of 20 linear metres per dwelling. Where a common drying yard or mechanical drying facilities are being provided for the development a total of 12 linear metres must be provided for each dwelling. Drying areas must not be visible from the street or adjoining public places. In this regard, clothes drying areas must be screened to a minimum height of 1.8m from the street and adjoining public places to the satisfaction of council or the Accredited Certifier. Details to be shown on the construction certificate.
41. Prior to the final inspection by the Principal Certifying Authority, the unbuilt upon land with the exception of the paving, must be landscaped and planted with turf, trees and shrubs. In this regard two copies of a landscape plan prepared by a qualified landscape architect must be submitted to the Accredited Certifier or council prior to the release of the construction certificate. The landscape plan must be prepared in accordance with the requirements as set out in council's document entitled *Landscape Guidelines*, available from council's Operations & Services Division.

42. The minimum requirements for the landscape plan required by the previous condition are:
  - i. the name and qualifications of the person preparing the plan (minimum qualification generally horticulture certificate unless otherwise approved by council)
  - ii. a title block
  - iii. a scale of the plan
  - iv. a landscape schedule indicating plant symbol, botanical names, ground cover planting densities and existing vegetation
  - v. a landscaped site plan showing existing vegetation to be retained and proposed additional planting to scale.
43. Street trees must be planted on the council footpath, 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 and number thereof must be in accordance with the approved landscape plan.
44. Individual areas must be provided for the storage of garbage bins for each unit. Each individual area must be located and screened so as not to be visible from common areas of the development or from a public road or adjacent dwelling.
45. No fences higher than 1000mm must be erected between the street frontage and the approved building line.
46. Fences and screens that will be visible from the street must be constructed of high quality building materials and be of a high architectural standard to complement the materials used in the building. In this regard, colorbond or similar material is not an acceptable building material. Details of the proposed method of fencing must be submitted in conjunction with the construction certificate for this proposal.
47. The private open space areas no less than 4 x 5m must be provided for each unit. The spaces must have a maximum gradient of 1 in 20. Details of the gradient and dimensions of these private open space areas must be submitted with the construction certificate for this proposal for the Accredited Certifier's assessment.

### **Design & Visual Impact**

48. The visual impact of the proposed driveways shall be minimised by the use of paving materials other than uncoloured concrete. Details of these materials and colours shall be submitted with the construction certificate application for the approval of the Accredited Certifier.

### Bonds & Contributions

49. Prior to release of the construction certificate, the developer must lodge a irrevocable bank guarantee of \$2,125 with council. The guarantee will be held by council to ensure the completion of the landscaping work and also to cover any defects that may arise during a maintenance period. This maintenance period will cover a six month period commencing from the date upon which notification is issued by the Principal Certifying Authority that the landscaping works have been completed. It is the responsibility of the developer to notify the Principal Certifying Authority for a reinspection at the conclusion of the maintenance period.
50. Prior to the release of the construction certificate, the developer must lodge with council, an administration and inspection fee totalling \$175, which includes GST, for the purpose of the landscape inspection following completion of the maintenance period referred to in the previous condition.
51. A contribution of \$59,472.82 must be paid to council under Section 94 of the *Environmental Planning & Assessment Act, 1979, as amended*, towards the provision of community facilities and services in accordance with Council's *Fifth Review Section 94 Contributions Management Plan* (Dated 6 December 2000) prior to the issue of a construction certificate adjusted in accordance with the following condition.

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.

52. 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 *Fifth Review Section 94 Contributions Management Plan*.

$CP_p$  = Latest published *Chain Price Index for Non-Dwelling Building and Construction* at the date of payment.

$CP_c$  = Latest published *Chain Price Index for Non-Dwelling Building and Construction*, at 6 December 2000.

## General

53. All of the works required to be carried out under the conditions of this consent must be maintained at all times in good order and repair.

## ENGINEERING

### Drainage/Flooding

54. A detailed drainage design of the site must be submitted and approved prior to the release of the construction certificate. The plan must be to the satisfaction of the Principal Certifying Authority and 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.

The detailed stormwater design must cater for the safe passage of overland flow for the 1% AEP storm event.

*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 shall be a 100mm diameter galvanised steel section (for 150mm kerb and gutter) or a 150mm x 50mm galvanised rectangular steel section for roll kerb.*

55. Works As Executed plans must be submitted by a qualified engineer, licensed plumber, or registered surveyor, certifying compliance of all drainage works with the approved design 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. Certification of pits and stormwater pipelines must be submitted to the Principal Certifying Authority after installation and **prior to backfilling**. Certification of paved areas must be submitted to the Principal Certifying Authority after the formwork for the driveway has been completed, and **prior to the concrete being poured**. All levels must relate to Australian Height Datum.

### Parking & Manoeuvring

56. Internal widths of double garages must not be less than 5.8m. Double door jamb widths must not be less than 4.8m. Single door jamb widths must not be less than 2.4m.
57. The finished garage floor levels of each dwelling must be of a satisfactory level to ensure a satisfactory driveway gradient. All gradients must comply with the provisions of the Residential DCP. Long sections must be provided with application for a construction certificate.
58. A garage floor level check is required by a registered surveyor, prior to the concrete floor being poured.
59. All paved areas are to have a minimum grade of 1%.

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60. All car parking areas, manoeuvring areas and the access road 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.

**Access & Kerb, Gutter, Footpath Works**

61. A residential standard vehicular layback crossings must be constructed at the points 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.
62. A residential standard concrete footpath crossing must be constructed across the footpath at the points of access and must be finished with a slip resistant coating. 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 footpath width and location must conform to council's specification and master plan.
63. In accordance with 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.
64. 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 of \$64 applies as per council's Revenue Policy.

**Site Management Plan**

65. 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, 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 formwork and the erection of any part of the structure 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.

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- 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 and excavation is to be certified by an accredited certifier in Civil Engineering.

### ***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.
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 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.

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**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.

**5. Erection of Signs**

A maximum penalty of 10 penalty units (\$1,100) applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

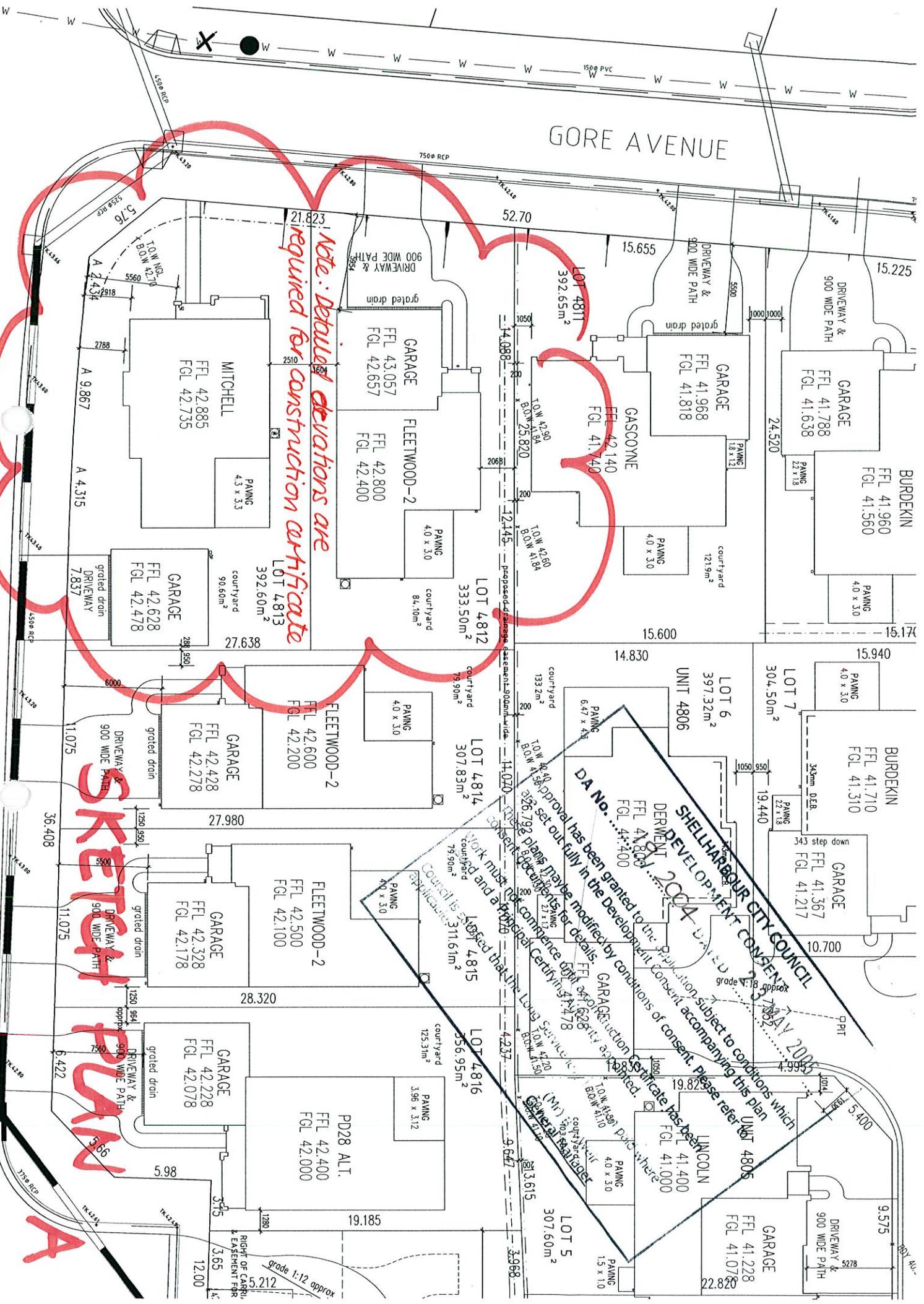
**6. Critical Stage Inspections**

- a. In the case of a Class 1 or 10 building, the development site must be inspected:
  - i. at the commencement of the building work
  - ii. after excavation for, and prior to the placement of, any footings
  - iii. prior to pouring any in-situ reinforced concrete building element
  - iv. prior to covering of the framework for any floor, wall, roof or other building element
  - v. prior to covering waterproofing in any wet areas
  - vi. prior to covering any stormwater drainage connections
  - vii. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.



Graham Mitchell  
**Manager Development Services**

On behalf of Brian A Weir, General Manager



GORE AVENUE

Note: Detailed deviations are required for construction certificate

SKETCH PLAN A

DA No. 2004-233  
SHELLHARBOUR CITY COUNCIL  
DEVELOPMENT CONSENT  
Approval has been granted to the development consent accompanying this plan  
subject to conditions which may be modified by conditions of consent. Please refer to the  
planning certificate for details. GARAGE construction certificate has been issued.  
Work must not commence until approval is granted.  
Council is advised that the Lot 4811, 4812, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4835, 4836, 4837, 4838, 4839, 4840, 4841, 4842, 4843, 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900  
MAY 2005



