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1 3 DEC 2010

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

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Being the applicant of Development Application No. 208/2010 for consent to the following development:

FOUR LOT TORRENS TITLE SUBDIVISION AND ONE PUBLIC RESERVE LOT

LOT: 7301

DP: 1060603

NORFOLK CRESCENT, SHELL COVE

BUILDING CODE OF AUSTRALIA BUILDING CLASSIFICATION:

Not Applicable

Determination date of consent

1 0 DEC 2010

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

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 (Subdivision) & PCA Notification Environmental Planning & Assessment Act 1979 Section 81A

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 other accredited certifier
- b. appoint a Principal Certifying Authority.

Note: For Torrens Title Subdivision, the appointed Principal Certifying Authority must be Shellharbour City Council.

ADMINISTRATION CENTRE: Lamerton House Lamerton Crescent Shellharbour City Centre

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

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

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Subdivision Plan	BMD Consulting	H00014-DA201 Revision C 24/5/20	
Waste Management Plan	Australand	-	10/6/2010
Concept Drainage Plan	BMD Consulting	H00014-DA202 Revision A	11/8/2010

A4 Compliance with Notations on Drawings

Works must comply with any notations highlighted in red on the approved plans.

A5 Easements

Structures must not encroach onto any easement.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

B1 Sydney Water 'Notice of Requirements'

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 'Building Developing & Plumbing' section of the web site www.sydneywater.com.au then refer to 'Water Servicing Coordinator' under 'Developing your Land' or telephone 13 2092 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this 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 Subdivision Construction Certificate being issued.

B2 Drainage Design

A detailed drainage design of the site must be submitted and approved prior to commencement of work. The plan must be generally in accordance with plan prepared by BMD Consulting, Plan No. H00014-DA202/Revision B. The plan must 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 design is to include connection details to the existing street drainage pit in Montague Crescent.

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

B3 Inter-allotment drainage

Inter-allotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to the street to which the lot fronts.

B4 Section 138 Roads Act 1993

Prior to the issue of the Construction Certificate, the applicant must apply and gain approval from Council for a Road Opening Permit under section 138 of the Roads Act 1993. An application fee will apply in accordance with Council's Fees and Charges. The application may require:

- · detailed engineering drawings of the proposed works in the road and footpath area
- a Traffic Management Plan
- provision of Public Risk Insurance
- details of timing and length of works
- site specific safety management plan.

B5 Footpath Construction

A 1.2m wide concrete footpath must be constructed connecting Norfolk Crescent and Montague Crescent. 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 capping in place on the joint to ensure a good finish.
- c. an expansion joint is to be placed every 12m and must have the reinforcing pass through it.
- d. all connections to existing paths and gutters must be dowled.

B6 Landscape Works

Landscaping of the public reserve lot must be undertaken by the developer to Council's satisfaction and at the developer's cost. In this regard, two copies of a landscape plan prepared by a Landscape Architect must be submitted to and approved by Council prior to the issue of the Subdivision Construction Certificate.

The landscaping plans and the civil design plans must be designed and assessed concurrently and neither will be approved in isolation.

The landscape plan must incorporate low lying native grasses within the public reserve to promote passive supervision of the footpath.

B7 Protection of Street Trees

The existing street tree/s must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the landscape plans and must be approved by the accredited certifier prior to the issue of the Subdivision Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree
- b. have a minimum height of 1.5m
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

Any street tree that is damaged or removed during works must be replaced.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Public Liability

Prior to works commencing, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$10M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy must note Council as an interested party.

C2 Erosion & Runoff Controls

Before work starts, 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 measures must be in place prior to commencement of any demolition, excavation or construction works.

C3 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.

C4 Protection Fencing

The vegetation/street tree protection fencing must be installed prior to works commencing.

PART D - DURING DEMOLITION/CONSTRUCTION WORKS

D1 Site Documentation

A full set of approved documents (Development Consent, Construction Certificate Drawings and associated documentation) must be maintained on site for the duration of the construction works.

D2 Hours of Work

Noise generating activities including demolition, construction, excavation 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.

D3 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.

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.

D4 Waste Management

The management of waste must comply with the approved Waste Management Plan/s. Any variations to the Waste Management Plan must have prior written approval of Council.

D5 Works In, On or Over a Public Road

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.

D6 Protection Fencing

The vegetation/street tree protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 Final Plan

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:

- an application for a Subdivision Certificate
- b. 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. 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) must be completed prior to lodging the plan

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 can be submitted in DXF, DWG, DGN or MapInfo TAB format. This requirement is dependant on the complexity of the Subdivision and is at the discretion of the Subdivision & Development Officer or the Manager Land & Geographic Information Systems, Shellharbour City Council.

c. fees appropriate at the time of submission of the application.

F2 Sydney Water Section 73 Certificate

A Section 73 compliance certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

F3 Utilities - Electricity, Gas & Telephone

- a. Electricity must be provided to all proposed lots. In this regard, the developer must 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 must be submitted with the Subdivision Certificate application.
- b. Telephone services must be provided to all proposed lots. In this regard, the developer must 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 must be submitted with the Subdivision Certificate application.
- c. The developer must submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.

F4 Geotech 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

the required site preparation and construction constraints within the building envelope
of the lot appropriate to the assessed risk of slope instability.

F5 Section 94 Contributions

A contribution of \$22,198.20 must be paid to Council towards the provision of community facilities and services prior to the issue of the Subdivision Certificate. This amount has been calculated in accordance with Council's Section 94 Contributions Plan 2005 (Amendment 1) dated 14 September 2006.

The Section 94 Contributions Plan 2005 may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au.

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Subdivision Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

F6 Fencing Adjoining Reserves

Any fences adjoining the public reserve must be of an open design and be of a dark colour.

The purpose of this condition is to promote public safety be providing passive surveillance of the pathway through the reserve.

A restriction on the use of the land specifying this requirement must be included on the Section 88B Instrument prior to the issue of the Subdivision Certificate.

F7 Service Conduits

Service conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.

F8 Services & 88B Instrument

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

F9 Works As Executed

A Work As Executed Plan must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. As a minimum, the plan must show:

- a. the extent, depth and final levels of filling
- b. the location of all underground service conduits
- c. all deviations from the approved civil engineering plans
- d. the location of interallotment drainage connections
- e. certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement.

F10 Subdivision - Completion of Landscape Works

Landscaping must be completed to Council's written satisfaction prior to the issue of the Subdivision Certificate.

F11 Dedication to Council

All intended reserves, roads, pathways and drainage easements must be dedicated to Council.

F12 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), shall be the responsibility of the owner of the property and must be repaired and reinstated prior to the issue of the Subdivision Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

F13 Release of Certificate

The Subdivision Certificate must not be released until all works required for the development, subject of this consent, have been completed.

F14 Subdivision Fees

Subdivision Certificate fees must be paid by the applicant prior to the release of the final plan of subdivision. The fee payable must be that applicable at the time of final plan release.

F15 Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE

G1 Future Development

No consent is given or implied for any future development on the subject land. Any future development, not part of this consent, requires separate development approval.

G2 Subdivision - Landscape/Street Tree Maintenance Period

The landscaping must be maintained for a minimum period of six months commencing from the date of the issue of the Subdivision Certificate, unless otherwise agreed to in writing by Council. The developer must ensure that any defective landscaping shall be rectified and/or replaced during the maintenance period in accordance with the approved landscape plan. All costs arising during the maintenance period must be borne by the developer. The developer must notify Council for a re-inspection at the end of the maintenance period.

G3 Public Reserve Dedication

All areas to be dedicated as public reserve must be cleared of both environmental weeds and noxious weeds prior to dedication.

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 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.

ANP2 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 lot.

ANP3 Demolition - WorkCover & Occupational Health & Safety Act

Demolition work must:

- a. be carried out in accordance with the requirements of the WorkCover Authority of New South Wales
- b. be carried out in accordance with the Occupational Health & Safety Act 2000
- c. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos.

ANP4 Disposal of Hazardous Material

Special arrangements are required for the disposal of hazardous building materials, particularly asbestos. For information on where hazardous materials can be disposed contact Council's Waste Services Department on 4221 6111.

ANP5 Demolition - Dust

Dust must be suppressed during demolition of the existing building.

ANP6 RFS General Advice

This approval is for the subdivision of the land only. Any further development application for class 1, 2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

Advisory Notes - General

AN1 Inspections - Demolition Works

Notify the Principal Certifying Authority in advance - 48 hours in writing or 24 hours by phone, to inspect the completion of all demolition works.

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 12 months after the date on which you receive this potice.

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.

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.

Development Application No. 208/2010 Lot 7301, DP 1060603, Norfolk Crescent, Shell Cove

Section 82A of the Environmental Planning & Assessment Act 1979 does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under section 116E in respect of an application made by the Crown.

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 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 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.

AN11 Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au. Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd PO Box 6507 SILVERWATER NSW 2128

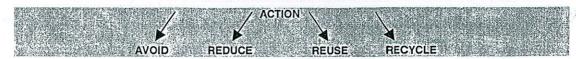
Attention: Land Services Department

Grant Meredith

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Manager Development Services

On behalf of Michael Willis, General Manager



Waste Management Plan - Demolition, Subdivision, Construction

Management of waste will be most effective when considered early in development design process.

✓ A Waste Management Plan (WMP) needs to be completed and submitted with all Development Applications.

A separate WMP is required for demolition, construction and subdivision. For example, where total or partial demolition of dwelling(s) is proposed then 2 WMPs will need to be submitted with the DA, one relating to the demolition stage and one for the construction stage of the development.

The information provided on this form, and on your plans submitted with the Development Application, will be assessed against the objectives of the Waste Minimisation and Management Development Control Plan (DCP). Details on what needs to be included on your plan drawings and the WMP can be found in the Waste Minimisation and Management DCP.

If space is insufficient in the table please provide attachments.

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