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- 9 JAN 2013

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. 294/2012 for consent to the following development:

10 LOT TORRENS TITLE SUBDIVISION
LOT: 1164 DP: 1076113 & LOT: 103 DP 1150168
SHALLOWS DRIVE, SHELL COVE

RECEIVED 10 JAN 2012

Determination date of consent 8 JAN 2013

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 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.

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	Cardno	FR112021-001 SK50 Rev 5	30/08/2012
Waste Management Plan	Australand Corporation	-	12/09/2012

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

B1 Detailed Drainage Design

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 Subdivision Layout of Lots 103 and 1164 Layout Plan Drawing Number FR112021-001 SK50 Rev 5 prepared by Cardno Dated 30/08/2012,
- b. drain to the easement,
- c. 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,
- d. be to the satisfaction of the Principal Certifying Authority,
- e. be designed to cater for a 1 in 20 year Average Reoccurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Reoccurrence Interval storm event and
- g. comply with Council's Stormwater Policy and AS/NZS 3500.3:2003 Plumbing and Drainage - Stormwater Drainage unless variation is specifically noted and approved on DA concept drainage plan.

B2 Construction of Roll Kerb

The kerb at the end of Whitsunday Drive, Shellcove must be constructed as part of the subdivision. Roll kerb or equivalent with smooth connection made to existing kerbs is to be constructed in accordance with Shellharbour Councils Subdivision Code. Details to this effect must be incorporated on submitted Construction Certificate Plans.

B3 Structural Design of Deep Pits

All pits deeper than 0.9 metres must be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 0.9 metres must have step irons and 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 for the Construction Certificate.

B4 Site Management Plan

Prior to the issue of the Construction Certificate, 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 and
- 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.

B5 Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)

Prior issue of the Construction Certificate, where it is proposed to:

- a. open up a roadway or footpath and
- b. occupy the public road reserve for any reason (commonly reasons include to pump concrete, stand mobile crane, pump stormwater from the site, store waste containers, store building materials).

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:

- c. detailed engineering drawings of the proposed works in the road and footpath area
- d. a Traffic Management Plan,
- e. provision of Public Risk Insurance and
- f. details of timing and length of works.

B4 Section 94 Contributions

A contribution of \$78,674.48 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.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Public Liability

Prior to any works commencing, 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 must note Council as an interested party.

PART D – DURING DEMOLITION/CONSTRUCTION WORKS

D1 Hours of Work

Noise generating activities including demolition, construction, excavation and delivery of equipment and materials, must only be carried out between:

- a. 7am to 5pm Mondays to Fridays
- b. 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays.

D2 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.

D3 Excavated Material

Material excavated from the site must be taken to the location stated on the Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

D4 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. The report shall be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

D5 Bushfire Protection - Water and Utilities

Water, electricity and gas must comply with section 4.1.3 of *Planning for bush Fire Protection 2006*.

Reticulated (or bottled) gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2008: 'The Storage and Handling of LP gas' and the requirements of relevant authorities. Metal piping must be used.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 Final Plan of Subdivision

- a. 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:
- b. an application for a Subdivision Certificate
- c. 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.

- d. fees appropriate at the time of submission of the application.

F2 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 > *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 the Subdivision Certificate.

F3 Utilities - Electricity, Gas & Telephone

- a. Electricity must be provided to all proposed lots. The developer must submit written advice to the Principal Certifying Authority from relevant electricity provider 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 a Telstra Australia accredited contractor 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 a natural gas accredited contractor 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 Verification of Waste Management

Written documentation, such as receipts, 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 a Subdivision Certificate.

F5 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.

F6 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 the relevant service providers.

F7 Easement/s on Title

Prior to the issue of the Subdivision Certificate, the following easements covering the following aspects of the development must be identified on the final plan of subdivision and included in the 88B Instrument to the satisfaction of the Principal Certifying Authority:

- a. restriction as to user over lot 9 and 10 showing the right of carriageway as shown on plan FR112021 SK50 Revision 5,
- b. drainage/inter-allotment drainage,
- c. restriction as to user on all lots burdened by an Asset Protection Zone (lots 1-5 and 9-10) that the setback area of each lot that forms part of a bushfire Asset Protection Zone, must be provided in accordance with the Bushfire Protection Measures proposed by Ecological (ref: 12GOSBUS-0169; dated 5 September 2012). No residential dwelling is permitted within land burdened by an Asset Protection Zone. Landscaping and other ancillary development in this area must not increase the bushfire risk. The APZ shall be maintained in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document in perpetuity and is the sole responsibility of the land owner, and
- d. restriction as to user that no building may be erected on any lot burdened by bush fire risk unless that building has been designed to meet the construction standards (and any other measures) required by NSW RFS Planning for Bushfire Protection and AS 3959. For the purpose of this restriction, AS 3959 means the Australian Standard: Construction of Buildings in Bushfire Prone Areas (AS3959) 2009.

F8 Works As Executed Plans - Subdivision

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 inter allotment drainage connections
- e. certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement.

F9 Works As Executed Plans - Stormwater Drainage

Works As Executed Plans must be submitted to the Certifying Authority 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. All levels must relate to Australian Height Datum.

F10 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.

F11 Release of Certificate

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

F12 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.

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.

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 New South Wales Rural Fire Service - Bush Fire Safety Authority
*Rural Fires Act 1997 (Section 100B)***

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.

Development Application No. 294/2012
Lot 1164 DP 1076113 & Lot 103 DP 1150168, Shallows Drive, Shell Cove

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.

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 Division 4 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

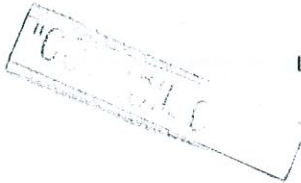
Attention: Land Services Department



Cathy Bern
Team Leader - Development

On behalf of Michael Willis, General Manager

CC: Shellharbour City Council
Att: Donna Flanagan
DX 26402 Shellharbour City Centre



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Site Waste Minimisation and Management Plan

Applicant and project details (Multi-unit residential, commercial, mixed use, industrial development)	
Applicant Details	
Name	AUSTRALAND CORPORATION (NSW) PTY LTD
Address	PO BOX 4148 SHELLHARBOUR 2529
Phone number(s)	(02) 4297 7364
Email	gcolquhoun@australand.com.au
Date	12/9/12
Signature	
Project Details	
Address of development	LOTS 103 & 1164, SHALLOWS DRIVE
Existing buildings and other structures currently on the site	NIL
Description of proposed development	TORRENS SUBDIVISION TO 10 LOTS
This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, DECCW or WorkCover NSW.	

Shellharbour City Council respects your privacy at all times. When processing your application we collect personal information about you for the primary purpose of providing you with a high level of customer service.

For more information please see our Privacy Management Plan on our website www.shellharbour.nsw.gov.au or contact our Privacy Officer on (02) 4221 6111. Information leaflets are also available at all offices and libraries.

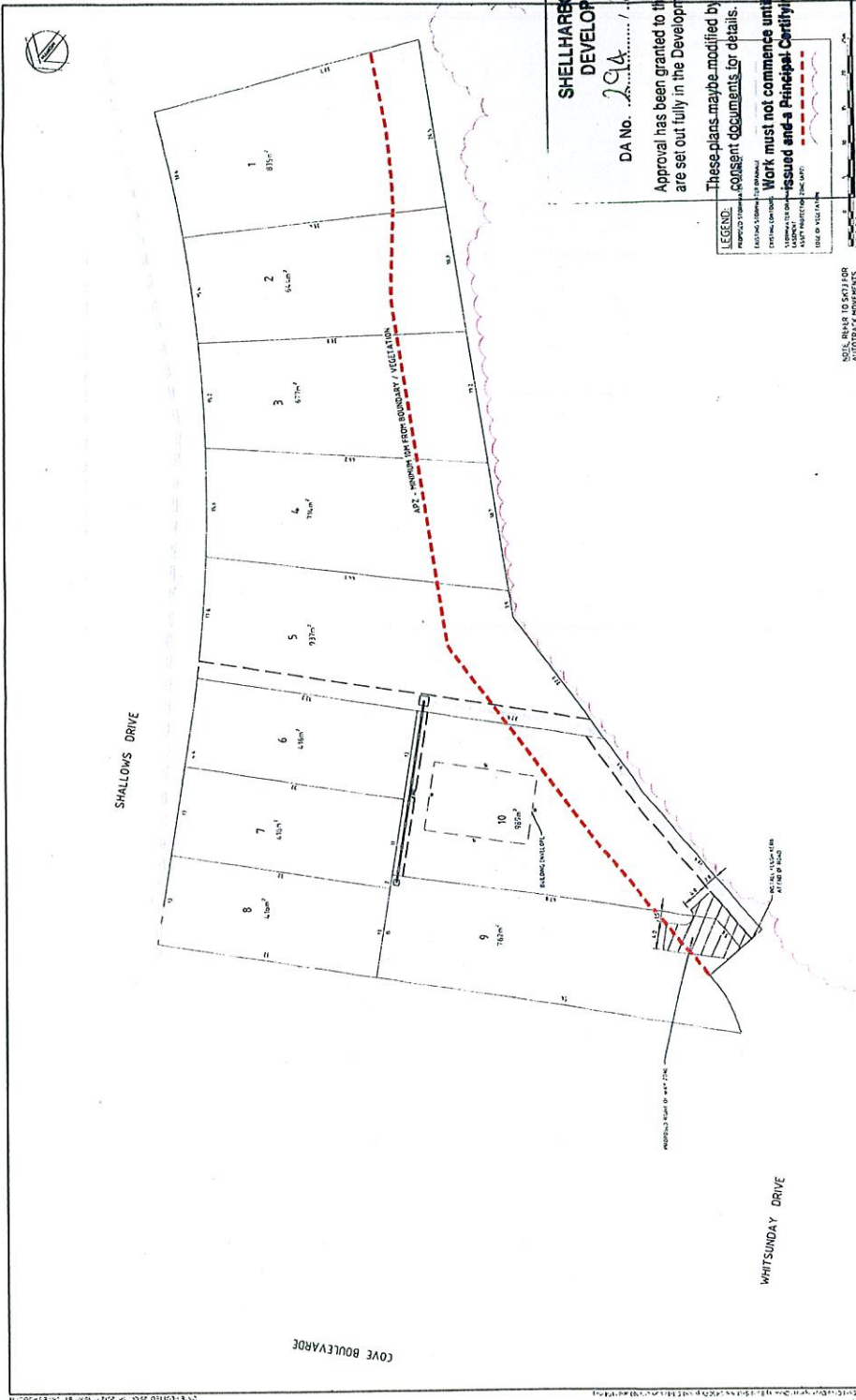
Construction - Multi-unit residential, commercial, mixed use, industrial development

Address of development: _____ (Reuse) most favourable  least favourable (Landfill)

Type of waste generated	Estimate Volume (m3) or Weight (t) of Reuse and specify method of onsite reuse	Estimate Volume (m3) or Weight (t) of Recyclables and specify contractor and recycling outlet to be used	Estimate Volume (m3) or Weight (t) disposed and specify landfill to be used
Excavation material	10m ³ reused as back fill on site		
Timber			
Concrete	0.5m ³	0.5m ³ Dunmore	
Bricks / Pavers			
Tiles			
Metal (specify)			
Glass			
Plasterboard			
Packaging (used pallets, pallet wrap)			
Garden organics (Green waste)			
Containers (cans, plastic, glass)			
Paper/cardboard			
Residual waste			
Hazardous/special waste e.g. asbestos (specify)			
Other (specify)			

**SHELLHARBOUR CITY COUNCIL
DEVELOPMENT CONSENT**

DA No. 204 / 2017 Dated
 Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.
 These plans may be modified by conditions of consent. Please refer to consent documents for details.
 Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.
Michael Willis
 General Manager



**SHELLHARBOUR CITY COUNCIL
DEVELOPMENT CONSENT**

DA No. 29A / 2012 Dated 3 May 2010

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

These plans may be modified by consent documents for details.

Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.

Michael Willis
General Manager

LEGEND:
 PROPOSED STRIP - 10M WIDE
 EXISTING STRIP - 10M WIDE
 EXISTING LOT BOUNDARIES
 PROPOSED LOT BOUNDARIES
 PROPOSED ROAD FROM SUBDIVISION / VEGETATION STRIP
 ROAD & VULNERABLE

NOTE: REFER TO S473 FOR AUSTRALIAN FORESTS

PRELIMINARY	
NOT TO BE USED FOR CONSTRUCTION PURPOSES	
DATE	21
BY	250
FR112021-001 SK60	5

AUSTRALAND	
SHELL COVE SUBDIVISION	
DATE	2002/11
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Cardno
Surveying & Planning
100 Years of Service
100 Years of Excellence



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