



19 JUN 2013

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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. 384/2012 for consent to the following development:

**USE OF LAND AS EXHIBITION VILLAGE, CONSTRUCTION OF
CAR PARK AND CUSTOMER AMENITIES**

LOT: 8250 & 8251 DP: 1153225

COVE BOULEVARDE, SHELL COVE

19 JUN 2013

Determination date of consent

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 & 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.

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20 JUN 2013

BY:

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
Display Village General Layout Plan	Cardno	FR112021-001 SK03 Rev 1	11/02/2013
Display Village Carpark Layout Plan	Cardno	FR112021-001 C1002 Rev 2	12/06/2013

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.

A6 Consent for Display Homes

This consent does not approve or imply approval is granted for the display homes. Separate development consent is required to be obtained for the homes.

A7 Consent for Signage

This consent does not authorise the erection of any advertising/identification signage. A separate development application for any proposed signage (other than exempt signs under Council's *Exempt Development Control Plan* or *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*) must be submitted to Council, and approval granted, prior to the erection or display of any such signs. Regard must be given to Council's *Development Control Plan* and *State Environmental Planning Policy No. 64 - Advertising & Signage* when preparing such an application.

A8 Internal Road Closure

This development consent is granted on the basis that road no. 901, 902 and 903, will remain open to the public. In the event that it is proposed to close these roads, the appropriate licence and/or lease must be obtained from the roads authority being Shellharbour City Council and the following matters dealt with prior to the road closure occurring:

- a. waste removal from each display home must be managed,
- b. appropriate signage to be erected advising of the road closures and
- c. relevant public liability insurances obtained by the developer.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Issue of Construction Certificate

The Construction Certificate must not be issued unless the land has been registered with the Land and Property Information, NSW Government Department of Finance & Services (<http://www.lpi.nsw.gov.au>). Written evidence of the registration of the subdivision plan must be provided to Council and the Principal Certifying Authority prior to the issue of the Construction Certificate.

B2 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 Stormwater Drainage Layout and Longsection Plan Drawing Number FR112021-001 C1002 Rev2 prepared by Cardno on 11/02/13 and modified on 13/06/13,
- b. drain to the council pit,
- c. indicate the method of disposal of all stormwater and must include rainwater tanks, 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 Certifying Authority
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- 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 and
- h. be in accordance with Part 3.1.2 of the Building Code of Australia for roof water drainage system.

B3 Pit Grates for Car Park

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.

B4 Structural Design of Deep Pits for Car Park

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 shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Construction Certificate.

B5 Pit at Property Boundary for Car Park

The final pit adjacent to property boundary prior to discharge shall have a debris screen installed. The debris screen is to be maintained by the developer.

B6 Amenities Building Access for People with Disabilities

Access for people with disabilities must be provided to and within the amenities building shown on the approved plans and in accordance with the *Building Code of Australia* and AS 1428. Detailed plans verifying compliance must be provided to the Certifying Authority prior to release of the Construction Certificate.

B7 Car Parking Spaces

All car parking spaces must be in accordance with Shellharbour City Council Car Parking Policy. All disabled parking spaces are to be in accordance with AS 2890.6 (or subsequent amendments).

B8 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, or
- 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:

- 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
- d. Details of timing and length of works

B9 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
- 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.

B10 Public Liability

Before the issue of the Construction Certificate, the developer 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.

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 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 controls must be in accordance with the Sediment Control Plan and 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
- g. provide adequate control measures to suppress dust.

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

C2 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 no less than 14 days prior to the commencement of work.

C3 Temporary Occupation of Road Reserve

Where it is proposed to:

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

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

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

PART D – DURING CONSTRUCTION WORKS

D1 Hours of Work During Construction Work

Noise generating activities, including demolition, 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.

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.

D3 Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. AUSTRROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial standard with the work carried out by Council or a Council approved contractor at the Developer's expense, including all alteration to public infrastructure where necessary.

D4 Connection to Council Pit and/or Pipe

Connection to a Council pipe is to be made at the pipe obvert. Connection to a Council pit and/or pipe is to be made through a hole that is to be neatly made by cutting or drilling. Any reinforcement encountered is to be cut away. The connection shall not protrude the inner surface of the Council pit and/or pipe. All junctions must be finished with 2:1 cement mortar. The minimum pipe size connecting to a Council pit and/or pipe must be 150mm in diameter, and either sewer grade PVC or concrete. 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. 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.

An application under section 138 of the Roads Act is required prior to works commencing. An application fee in accordance with Council's Fees & Charges will apply.

D5 Driveway - From Kerb to Property Boundary

An industrial standard vehicular concrete driveway, 6m width must be constructed between the kerb and the property boundary. The driveway must maintain a perpendicular alignment from the kerb to the property boundary line and must be finished with a slip resistant coating.

Vehicular access must not interfere with the existing public utility infrastructure or existing street trees. The driveway must be 500mm clear of all drainage structures.

Driveway construction works must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Note: 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 a criminal offence to modify or tamper with the assets of a service provider.

D6 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.

D7 Works

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.

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 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 docketts or photographic evidence, must be retained by the Principal Certifying Authority.

E3 Works As Executed - Stormwater Drainage

Work 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. All levels must relate to Australian Height Datum.

E4 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 developer of the property and 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.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not applicable as Torrens Title subdivision does not form part of this development consent.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 Duration of Development Consent

This development consent gives approval for the exhibition village to operate for a 6 year period.

At the end of the operational life of the display home village the developer is responsible to remove all hard stand surfaces of the display village car park, including driveways. These areas must be reinstated with turf or stabilised (i.e. with hydromulch).

In the event that the Shell Cove Sales and Information Centre located on the adjoining proposed lot 9029, remains open beyond the duration of the Display Village operation, the carpark may be retained and progressively removed and reinstated as above whilst the office remains open.

G2 Hours of operation

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

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 Disability Discrimination

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. This consent does not relieve the applicant, Principal or other Certifying Authority, or any other person with regard to their obligations to ensure compliance with this legislation.

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.

**Development Application No. 384-2012
Lot 8250 & 8251, DP 1153225, Cove Boulevard, 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 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 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.

AN12 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.

AN13 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

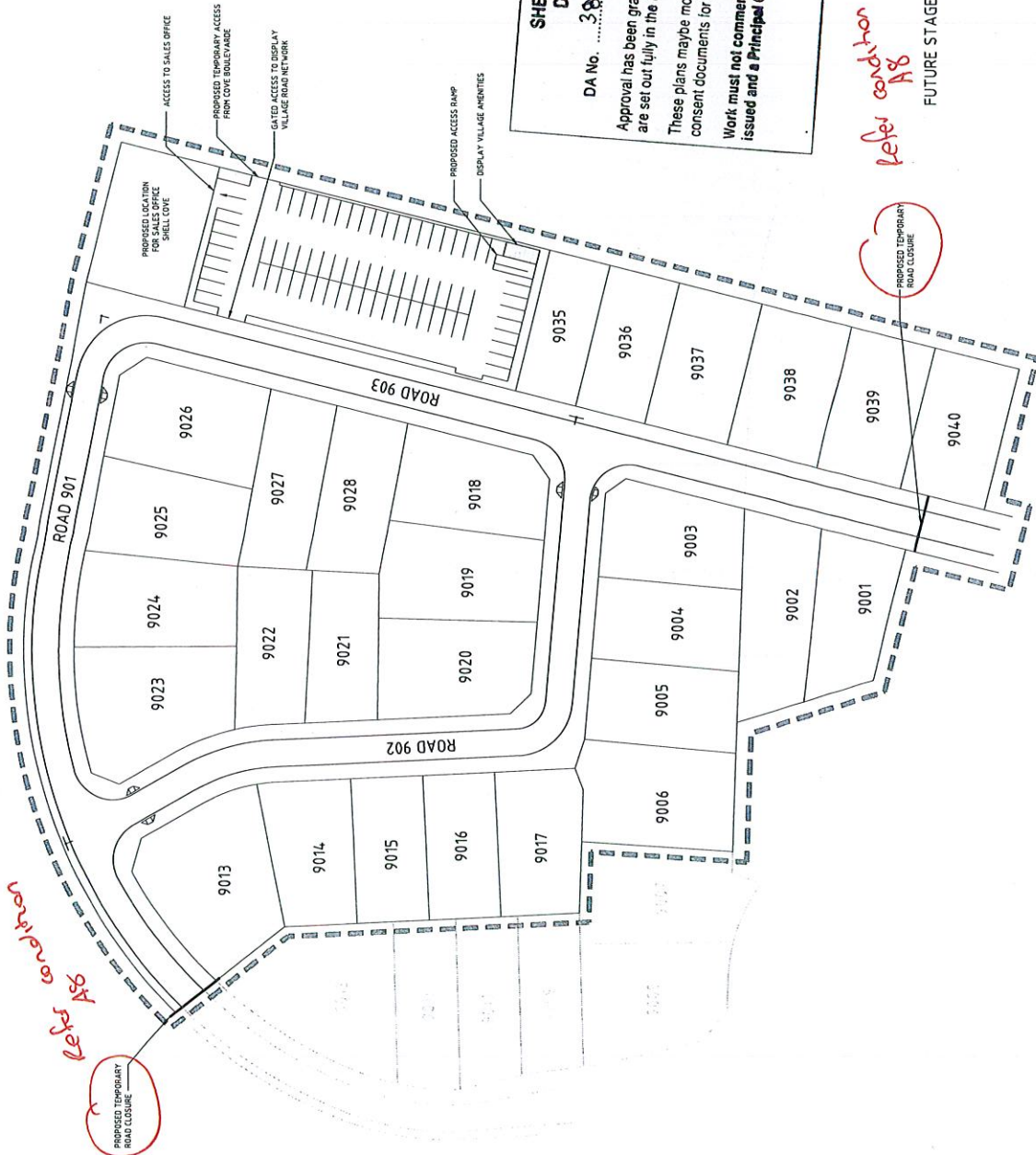


Cathy Bern
**Team Leader - Planning
City Development**

On behalf of Michael Willis, General Manager



FUTURE STAGE 883



SHELL HARBOUR CITY COUNCIL DEVELOPMENT CONSENT

DA No. 384 / 2012 Dated 19 JUN 2013

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

Refer condition A8

FUTURE STAGE 10D3

LEGEND:

— DISPLAY VILLAGE BOUNDARY

TOTAL NUMBER OF CAR SPACES = 70



FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES	
STATUS	FR112021-001 SK03
DATE	15/05/2012
REGISTER	SK03
DATE	15/05/2012
REGISTER	SK03
DATE	15/05/2012
REGISTER	SK03

Drawn	14/05/2012	Checked	14/05/2012
DAC	KJM	Designated	
Verified		Approved	
Date		Date	
Date		Date	

Cardno
Shaping the Future

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Date	Description	Drawn	Verify	Appr.