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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. 300/2014 for consent to the following development:

**DEMOLITION OF CARPARK & STAGED CONSTRUCTION OF 8 TOWNHOUSES
WITH TORRENS TITLE AND COMMUNITY TITLE SUBDIVISION
(MULTI DWELLING HOUSING AND SUBDIVISION)**

LOT: 7010 & LOT: 7064 DP: 1012373

1-5 SOUTHERN CROSS BOULEVARDE AND COVE BOULEVARDE SHELL COVE

BUILDING CODE OF AUSTRALIA

BUILDING CLASSIFICATION: Class 1a, 10a & 10b

Determination date of consent.....3 FEBRUARY 2015.....

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT AN ORDINARY MEETING OF COUNCIL HELD ON 3 FEBRUARY 2015, ITEM NO. 11.2.3, MINUTE NO. 22 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.

ENGLISH

If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

MACEDONIAN

Ако имате тедшкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

SPANISH

Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

GERMAN

Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen estsprechenden Dolmetscher hinzurufen.

ITALIAN

Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

GREEK

Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ.4221 6111), ή αν επιθυμείτε ελατε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

CROATIAN

Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

PORTUGUESE

Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

SERBIAN

Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако желите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

TURKISH

Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

POLISH

Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

DEMOLITION OF CARPARK

PART A - DEMOLITION ADMINISTRATIVE CONDITIONS

DA1 Prescribed Conditions

This development consent is subject to the prescribed conditions under the *Environmental Planning & Assessment Regulation 2000*. The prescribed conditions include compliance with the *Building Code of Australia*.

DA2 Development in Accordance with Plans and Documents

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

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Demolition Site Plan	Australand Property group Pty Ltd	Stage 7010 Dwg No.0.1 Version B	17/10/2014

DA3 Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Not Applicable - A Construction Certificate is not required for demolition work.

PART C - PRIOR TO COMMENCEMENT OF DEMOLITION WORKS

DC1 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.

DC2 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.

DC3 Disconnection of Utilities

Contact should be made with Sydney Water and the relevant energy service provider/s for their approval with regard to disconnection of all services prior to the commencement of demolition works.

DC4 Waste Management Plan

Prior to the commencement of demolition works, a Waste Management Plan – Demolition must be submitted to the Principal Certifying Authority demonstrating how the demolished

material will be managed. The Plan must be in accordance with the objectives of Chapter 15 – Waste Minimisation and Management.

PART D - DURING DEMOLITION WORKS

DD1 Hours of Work During Demolition Work

Noise generating activities 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.

DD2 Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked daily for adequacy. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

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.

DD3 Demolition - WorkCover, AS 2601 & Work Health & Safety Act 2011

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 *Work Health & Safety Act 2011*,
- c. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos, and
- d. be carried out in accordance with the provisions of AS 2601- 2001: *The Demolition of Structures* (or subsequent edition/s).

DD4 Waste Management - Demolition

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

DD5 Storage of Materials

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

PART E - COMPLETION OF DEMOLITION WORKS

DE1 Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Demolition Waste Management Plan must be retained by the registered owner/s of the property for a period of 12 months. Documentation may include records such as waste disposal dockets or photographic evidence.

DE2 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer and must be repaired and reinstated within two months of completion of works subject of this consent. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

CONSTRUCTION

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, and
- b. appoint a Principal Certifying Authority.

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*. The prescribed conditions include compliance with the *Building Code of Australia*.

A3 Amendments to Approved Plans

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

- a. reduce the width of the driveway crossover of lot CN7001 to 3.5m wide, and
- b. the landscape plans are to be amended to reflect the architectural plans in respect of the pathway to dwelling 7003.

A4 Staging of Development

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

STAGE 1

- a. Demolish existing car park,
- b. construct 3 dwellings and Torrens Title Subdivision over Lot 7010, and
- c. subdivision of land to include the realignment of boundaries between Lot 7010 (development site) and Lot 7064 (footpath corridor) with a view to reducing the width of the footpath corridor from 6m to 3m.

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

STAGE 2

Construct 5 dwellings and Community Title Subdivision and creation of vehicle access point off Lord Howe Avenue.

All conditions of this consent apply to each stage, unless otherwise specified.

A5 Development in Accordance with Plans and Documents

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

Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Plan	Australand Property Group Pty Ltd	Stage 7010 Dwg No.1.1 Version B	17/10/2014
Ground Floor Plan	Australand Property Group Pty Ltd	Stage 7010 Dwg No.2.1 Version B	17/10/2014
First Floor Plan	Australand Property Group Pty Ltd	Stage 7010 Dwg No.2.2 Version B	17/10/2014
Elevations Plan	Australand Property Group Pty Ltd	Stage 7010 Dwg No.3.1 Version B	17/10/2014
Shadow Diagrams	Australand Property Group Pty Ltd	Stage 7010 Dwg No.4.1	17/10/2014
Retaining Wall and Fence	Australand Property Group Pty Ltd	Stage 7010 Dwg No.4.2	17/10/2014
Floor plans	Australand Property Group Pty Ltd	Stage 7010 Dwgs No.5.1/B -5.8/B	Drawings 5.1-5.8 Dated 15/8/14,28/5/14,3/11/14,4/7/14,15/8/14,3/11/14,3/11/14 & 3/11/14
BASIX*	Victor Lin & Associates Pty Ltd	Certificate No. 559439M	4/7/2014
Waste Management Plan	Australand Property Group Pty Ltd	Waste Management Plan Construction phase	Stamped DA 300/2014
Subdivision Plan	Australand Property Group Pty Ltd	Stage 7010 Dwg Phase 1 & Phase 2 Version B	17/10/2014
Landscape Plan	Ecodesign	Dwgs.No. L 01-L 04 Version B	23/7/2014
Colour/Material Schedule	Arkee Creative	External Colour Schemes	19/6/204
Concept Drainage Plan	Cardno	FR112021-020-SK01-Revision 1 Amended dated 23/10/2014	17/7/2014
Acoustic Report	Acoustic Logic	20140776.1/0407A	4/7/2014
Statement of Environmental Effects	Cardno	112-021-19/report 001-Ver 2	July 2014

* The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Section 94 Contributions

A contribution of \$22,438.63, subject to annual indexation, must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Construction Certificate for Stage 1. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013.

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

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

B2 Section 94 Contributions

A contribution of \$56,096.57, subject to annual indexation, must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Construction Certificate for Stage 2. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013.

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

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

B3 Bond - Existing Street Trees - 4 x Araucaria cunninghamii

A deposit of \$5,464.00 must be lodged with Council prior to the issue of the Construction Certificate to ensure that the existing street trees are maintained in the same condition as found before the start of any demolition / building work on the site.

B4 Street Tree Inspection Fee

The developer must lodge with Council an inspection fee of \$83.00 in accordance with Council's *Fees and Charges* for:

- street tree inspection prior to occupation of the development
- street tree inspection following completion of the maintenance period

prior to the issue of the Construction Certificate.

B5 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 Proposed Drainage and Subdivision of Stage 7010 FR112021-020 SK01 Revision 1 prepared by Cardno on 23/10/2014,
- b. drain to street or pit as noted on the above drainage plan,

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

- 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 designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- e. show that overflow drainage paths are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- f. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- g. include reference to the rainwater tank, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any other fixture identified in the BASIX certificate and show all grated drains, and
- h. be to the satisfaction of the Certifying Authority.

B6 Easement Restriction

All drainage easements must have no encroachment from any structure, including footings and eave overhangs (driveways and paved areas are excluded from this condition).

B7 Structural Design of Deep Pits

All pits must be consistent with the following requirements:

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

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

B8 Grated Drain

A grated stormwater drain must be constructed across the driveway adjacent to the garage doors for CN 7005 & CN 7007.

B9 Pit Grates

All trafficable pits must have flush fitting grates and be heavy duty type.

B10 Pit at Property Boundary

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

B11 Footpath

A 1.2m wide concrete footpath must be constructed along the reserve on the eastern side of the development site as indicated in the approved plans. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

The path must be constructed in accordance with the following requirements:

- a. 25Mpa concrete 100mm thick and steel reinforced,
- b. connelly key joints are to be used every 3m with the appropriate plastic strip in place on top to ensure a good finish,
- c. an expansion joint is to be placed every 12m and must have the reinforcing pass through it,
- d. all connections to existing paths and gutters must be dowelled,
- e. kerb ramps must be constructed at connection to the road at each end of the proposed path, and
- f. construction and inspections must be organised by the applicant as per Council's Subdivision Code

B12 Retaining Walls

Retaining walls that exceed 600mm in height must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

B13 Driveway Finishes

The visual impact of the driveway within the property must be minimised by the use of paving materials or coloured concrete. The use of uncoloured concrete as the dominant paving material is unacceptable. Details of these materials and colours are to be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.

B14 Visitor Parking Materials

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

B15 Verification of Driveway Grades with Council Standards

To verify that vehicular access will comply with Council's requirements, a scaled long section of the proposed driveways, from kerb and gutter at the point of access to the proposed garage floor level must be submitted with the Construction Certificate and must include:

- a. existing natural surface levels,
- b. proposed grades and finished surface levels of the driveways, and
- c. preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveways.

No part of the driveways must have grades exceeding Council's standards. As such, the long section must be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

B16 Engineer Designed Pavement

The vehicle pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Australian Standard 'Guide to Residential Pavements' (AS 3727-1993 or subsequent amendments) can be used as the design guideline for the pavement design. These details must be submitted with application for a Construction Certificate.

B17 Easements & Engineer's Details

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

B18 Protection of Street Trees

The existing 4 x *Araucaria cunninghamii* 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 building plans and must be approved by the accredited certifier prior to the issue of the 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.

B19 Site Facilities - Australia Post

- a. Location points for mail delivery must satisfy the requirements of Australia Post.
- b. Street numbers must be obtained from Council's GIS Department during normal office hours, prior to the issue of a Construction Certificate. The allocated street numbers must be clearly shown on the Construction Certificate drawing.

B20 Impact on Existing Easements

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

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

B21 Soil Sampling

Prior to the issue of a Construction Certificate soil sampling is to be undertaken to verify the nature and extent of any potential soil contamination on site.

Soil sampling is to be completed by a suitably qualified Environmental Scientist and assessed in by a NATA accredited laboratory. All sampling results are to be assessed in accordance with relevant industry guidelines including the National Environment Protection

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

(Assessment of Site Contamination) Measure. Soil sampling may be carried out prior too or after the removal of the pavement.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Erosion & Runoff Controls

Before work starts, appropriate erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses.

These controls may include the following (where applicable):

- a. erect a silt fence,
- b. limit the removal or disturbance of vegetation and topsoil,
- c. divert uncontaminated run-off around cleared or disturbed areas,
- d. install sediment traps/socks around any stormwater inlets and drainage lines,
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

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

C2 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.

C3 Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

Council records indicate that fill may be present in this area. The engineer's design for the footings or slab must make specific reference to fill as a consideration.

C4 Protection Fencing

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

C5 Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period
- d. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway
- e. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in civil engineering.

C6 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993

For works within the road reserve such as:

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

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

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

C7 Public Liability

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

PART D - DURING CONSTRUCTION WORKS

D1 Hours of Work During Building Work

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

- 7am to 5pm Mondays to Fridays
- 8am to 1pm Saturdays

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

D2 Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D3 Waste Management

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

D4 Storage of Materials

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

D5 Survey Certification

A report from a registered surveyor must be provided to the Certifying Authority on completion of the ground floor slab formwork **prior to the concrete being poured**.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans, and
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans.

D6 Retaining Walls

Any retaining walls must:

- a. have a maximum height of 1 metre, and
- b. be located wholly within the property, including footings and agricultural drainage lines. This may require the retaining wall to have a minimum boundary setback of 200mm.

Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

D7 Excavation & Drainage Easement

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

D8 Connection to Council Pit and/or Pipe

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Council's Subdivision Code requirements.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's *Fees & Charges*.

D9 Redundant Vehicular Layback

All redundant vehicular layback crossing/s must be removed and replaced with kerb and gutter to match existing. 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.

D10 Redundant Driveway - From Kerb to Property Boundary

The redundant vehicular concrete driveway must be removed and the area turfed. The area forward of the front boundary must be kept smooth and even and free from any trip hazards. 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.

D11 Driveway and Layback - From Kerb to Property Boundary

A residential standard vehicular concrete driveway and layback must be constructed between the kerb and the property boundary. The driveway must:

- a. maintain a perpendicular alignment from the kerb to the property boundary line,
- b. have a minimum width of 2.7m and a maximum width of 4.5m,
- c. not interfere with the existing public utility infrastructure,
- d. be located 500mm clear of all drainage structures and 2m from the street tree,
- e. be finished with a slip resistant coating, and
- f. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted

prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

D12 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.

D13 Unexpected Finds Contingency

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

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

PART E - PRIOR TO OCCUPATION

E1 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

E2 Sydney Water Section 73 Compliance Certificate

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

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

E3 BASIX

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

E4 Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Certifying Authority by a registered surveyor certifying compliance of all drainage works

with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

E5 Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifying Authority.

E6 Compliance with Road Traffic Noise Assessment

Upon completion of all works and prior to the issue of an Occupation Certificate for each stage of the development, written certification from a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority stating that all noise mitigation measures have been incorporated in the development as recommended with the Road Traffic Noise Assessment Report, prepared by Acoustic Logic, dated 04/07/2014, Ref No. 20140776.1/0407A/RO/YK.

E7 Site Facilities - Private Open Space Dimensions & Gradient

Prior to the issue of an Occupation Certificate,

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

E8 Completion of Landscape Works

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in **writing before any changes are made.**

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

E9 Street Tree Pre-Occupation Inspection

The street tree/s must be inspected by Council prior to the occupation of the development. It is the responsibility of the developer to notify Council for the street tree inspection.

E10 Repairs to Public Infrastructure

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

E11 Sign for Visitor Parking

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

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES

F1 Partial Completion of Building Works Required

The Subdivision Certificate for the Torrens Title Subdivision must not be released until the walls of dwelling CN 7001 & CN 7005 and common wall to CN 7007 have been constructed to a minimum height of 1.0m. Evidence that this requirement has been satisfied must be provided in the form of a Registered Surveyor's Identification Survey Report. The survey report must show all allotment boundaries and the position of the building/s in relation to the boundaries.

F2 Community Title Subdivision

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

- a. an easement on all lots for support, access and maintenance 900mm wide adjacent to the "zero" lot line walls,
- b. easements for drainage, including requirements of support, access and maintenance,
- c. a requirement that CN 7003, CN 7004 and CN 7008 are to present the all bins along Lord Howe Avenue and CN 7002 is to present bins along the slip-lane adjacent to Cove Boulevard, and
- d. ensuring dwellings within the community scheme are entitled to utilise the community allotment (Lot 1), including visitor car parking and shares in the costs associated with its upkeep (maintenance levies and the like).

F3 Partial Completion of Building Works Required

The Subdivision Certificate for the Community Title Subdivision must not be released until the common walls of dwelling Nos. CN 7002, CN 7003, CN 7004 and 7006, and walls to CN 7008 have been constructed to a minimum height of 1.0m and the requirements of the preceding condition have been satisfied unless otherwise agreed to in writing by council. Evidence that the requirement regarding wall heights has been satisfied must be provided in the form of a Registered Surveyor's Identification Survey Report. The survey report must show all allotment boundaries and the position of the building/s in relation to the boundaries.

F4 Final Plan of Subdivision

Prior to the release of the final plan of subdivision, it will be necessary to obtain a Subdivision Certificate. In this regard, it will be necessary to submit:

- a. an application for a Subdivision Certificate,
- b. five paper prints of the final plan of subdivision,
- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) coordinates and must contain closed linework

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

of boundaries and easements. It must be submitted in DWG or DXF format on cd-rom or by email to traffic&subdivision@shellharbour.nsw.gov.au

The email and the electronic copy should be named "Subdivision Title & Stage - DA No/Year Street Address Final Plan".

All sections of the plan, 88B Instrument and Administration Sheet including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.

F5 Works As Executed Plans - Subdivision

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

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

All levels must relate to Australian Height Datum.

F6 Services & 88B Instrument

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

Restrictions must be placed on title with respect to:

- a. access and maintenance for structures on the boundary or immediately adjacent to,
- b. the provision of legal and practical access (e.g. reciprocal rights of carriageway);
- c. landscaping on boundaries,
- d. drainage structures,
- e. an easement on all lots for support, access and maintenance 900mm wide adjacent to the "zero" lot line walls,
- f. easements for drainage, including requirements of support, access and maintenance, and
- g. a positive covenant to be placed on title of Lot 7502 that shows the bin collection point on the DP plan marked up with an "X". The location of the "X" must be on the southern side of the driveway for that lot.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 BASIX Commitments

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

G2 Street Tree Bond Refund

The street tree bond will be returned following a six month maintenance period commencing from the date of the issue of the Occupation Certificate, provided the street tree/s remain in a satisfactory condition. In the event that any street tree/s are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer/Certifying Authority must notify Council for a reinspection of the street tree/s.

G3 Allocation of Visitor Parking

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

G4 Waste Bins

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

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

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes – Project Specific
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ANP1 Compliance with *Building Code of Australia*

The development must comply with the *Building Code of Australia* and all related standards and legislation.

ANP2 Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

Note: This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

ANP3 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.

ANP4 Sydney Water - Subdivision & Services

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

ANP5 Landscape Inspection Fee

If Council is appointed the Principal Certifying Authority, landscaping will be inspected. An inspection fee will be charged in accordance with Council's *Fees and Charges*.

ANP6 Sydney Water Information

Sydney Water has produced a Land Development Manual. The manual outlines the process for getting a Section 73 Certificate in a single, easy to read document. The manual is available from the [Land Development](#) page in the Plumbing, Building & Developing section of the Sydney Water website.

Advisory Notes – General

AN1 Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

It is recommended that you discuss with your Principal Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

AN2 Erection of Signs

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

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

AN3 WorkCover Authority

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

AN4 Obstacle Height Limitation - Airport

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

AN5 Failure to Comply with Consent

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non compliance

AN6 Lapsing of Development Consent

In accordance with section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

AN7 Right to Appeal

If you are dissatisfied with this decision, section 97 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

AN8 Review of Determination

If you are dissatisfied with this decision, section 82A of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

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 BASIX

Please note that the requirement for lodging a modification of development consent under section 96 of the *Environmental Planning & Assessment Act 1979* may result in the requirement for a revised BASIX certificate to be submitted for assessment.

AN11 Prescribed Payment System Tax Obligations

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

AN12 Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AN13 Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

Development Application No. 300/2014

LOT: 7010 & LOT: 7064 DP: 1012373, 1-5 Southern Cross Boulevard & Cove Boulevard SHELL COVE

AN14 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
Group Manager – City Development

On behalf of Michael Willis, General Manager