

19 MAR 2019

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

**Administration Centre**  
Shellharbour Civic Centre  
76 Cygnet Avenue  
(Cnr Cygnet & College Avenue)  
Shellharbour City Centre NSW 2529

**Postal Address**  
Locked Bag 155  
Shellharbour City Centre NSW 2529  
DX 26402 Shellharbour City Centre

**p.** 02 4221 6111  
**f.** 02 4221 6016  
council@shellharbour.nsw.gov.au  
[www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

*Issued under the Environmental Planning & Assessment Act 1979 Section 4.18 (1)*

Being the applicant of Development Application No. 147/2018 for consent to the following development:

**MULTI DWELLING HOUSING COMPRISING OF 11 DWELLINGS  
& 11 LOT TORRENS TITLE SUBDIVISION**

**LOTS 4003 & 4004 DP 1235539**

**HARBOUR BOULEVARD, SHELL COVE**

**Determination date of consent:** 14 March 2019

Note: This Approval will lapse 5 years from the date of consent.

In accordance with section 4.16 of the Act the Development Application has been determined by the GRANTING OF CONSENT UNDER DELEGATED AUTHORITY SUBJECT TO THE CONDITIONS DESCRIBED BELOW.



Grant Meredith  
**Group Manager - City Development, Planning**

On behalf of Carey McIntyre, General Manager

Development Application No. DA0147/2018  
 Lot 4003 DP 1235539  
 Lot 4004 DP 1235539, Harbour Boulevard SHELL COVE NSW 2529

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

### 1. Construction Certificate & PCA Notification

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.

### 2. Prescribed Conditions

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

### 3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. 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 |
|-------------------------------------|------------------|-------------------------------|-----------------------|
| Cover Sheet                         | Frasers Property | 0.0/E, Rev. E                 | 08.03.19              |
| Superlot Plan                       | Frasers Property | 0.1/E, Rev. E                 | 08.03.19              |
| Subdivision Plan CN5301-CN5306      | Frasers Property | 1.1.1/E, Rev. E               | 08.03.19              |
| Subdivision Plan CN5307 – CN5311    | Frasers Property | 1.1.2/E, Rev. E               | 08.03.19              |
| Site Plan CN5301-CN5306             | Frasers Property | 1.2.1/E, Rev. E               | 08.03.19              |
| Site Plan CN5307 – CN5311           | Frasers Property | 1.2.2/E, Rev. E               | 08.03.19              |
| Concept Drainage Plan 5301-5306     | Frasers Property | 1.3.1/E, Rev. E               | 08.03.19              |
| Concept Drainage Plan 5307-5311     | Frasers Property | 1.3.2/E, Rev. E               | 08.03.19              |
| Ground Floor Plan CN5301-CN5306     | Frasers Property | 2.1.1/E, Rev. E               | 08.03.19              |
| Ground Floor Plan CN5307 – CN5311   | Frasers Property | 2.1.2/E, Rev. E               | 08.03.19              |
| First Floor Plan CN5301-CN5306      | Frasers Property | 2.2.1/E, Rev. E               | 08.03.19              |
| First Floor Plan CN5307 – CN5311    | Frasers Property | 2.2.3/E, Rev. E               | 08.03.19              |
| Streetscapes                        | Frasers Property | 3.0/E, Rev. E                 | 08.03.19              |
| Streetscapes                        | Frasers Property | 3.1/E, Rev. E                 | 08.03.19              |
| Perspectives -1                     | Frasers Property | 3.2/E, Rev. E                 | 08.03.19              |
| Perspectives - 2                    | Frasers Property | 3.3/E, Rev. E                 | 08.03.19              |
| Ground Floor Plan CN5301-CN5303     | Frasers Property | 5.1/E, Rev. E                 | 08.03.19              |
| First Floor Plan CN5301-CN5303      | Frasers Property | 5.2/E, Rev. E                 | 08.03.19              |
| Elevations CN5301-CN5303            | Frasers Property | 5.3/E, Rev. E                 | 08.03.19              |
| Elevations CN5301-CN5303            | Frasers Property | 5.4/E, Rev. E                 | 08.03.19              |
| Sections CN5301-CN5303              | Frasers Property | 5.5/E, Rev. E                 | 08.03.19              |
| CN5301 Fonzie & CN5311 Garage Plans | Frasers Property | 5.6/E, Rev. E                 | 08.03.19              |
| CN5301 Fonzie & CN5311 Elevations   | Frasers Property | 5.7/E, Rev. E                 | 08.03.19              |
| CN5301 Fonzie & CN5311 Elevations   | Frasers Property | 5.8/E, Rev. E                 | 08.03.19              |
| CN5301 Fonzie & CN5311 Sections     | Frasers Property | 5.9/E, Rev. E                 | 08.03.19              |
| CN5304-CN5306 Ground Floor Plan     | Frasers Property | 5.10/E, Rev. E                | 08.03.19              |

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|   |  |                            |          |
|---|--|----------------------------|----------|
| CN5304-CN5306 First Floor Plan  | Frasers Property                         | 5.11/E, Rev. E             | 08.03.19 |
| CN5304-CN5306 Elevations  | Frasers Property                         | 5.12/E, Rev. E             | 08.03.19 |
| CN5304-CN5306 Elevations  | Frasers Property                         | 5.13/E, Rev. E             | 08.03.19 |
| CN5304-CN5306 Sections  | Frasers Property                         | 5.14/E, Rev. E             | 08.03.19 |
| CN5307 Plans  | Frasers Property                         | 5.15/E, Rev. E             | 08.03.19 |
| CN5307 Elevations   | Frasers Property                         | 5.16/E, Rev. E             | 08.03.19 |
| CN5307 Elevations   | Frasers Property                         | 5.17/E, Rev. E             | 08.03.19 |
| CN5307 Sections   | Frasers Property                         | 5.18/E, Rev. E             | 08.03.19 |
| CN5308 -CN5310 Ground Floor Plan  | Frasers Property                         | 5.19/E, Rev. E             | 08.03.19 |
| CN5308 -CN5310 First floor plans  | Frasers Property                         | 5.20/E, Rev. E             | 08.03.19 |
| CN5308 -CN5310 Elevations   | Frasers Property                         | 5.21/E, Rev. E             | 08.03.19 |
| CN5308 -CN5310 Elevations   | Frasers Property                         | 5.22/E, Rev. E             | 08.03.19 |
| CN5308 -CN5310 Sections   | Frasers Property                         | 5.23/E, Rev. E             | 08.03.19 |
| CN5311 Plans  | Frasers Property                         | 5.24/E, Rev. E             | 08.03.19 |
| CN5311 Elevations   | Frasers Property                         | 5.25/E, Rev. E             | 08.03.19 |
| CN5311 Sections   | Frasers Property                         | 5.26/E, Rev. E             | 08.03.19 |
| BASIX*  | Frasers Property                         | Certificate No.882165M_02  | 22.03.18 |
| Waste Management Plan- Project Multi-dwelling development (11 dwellings) on CN5101-CN5113 | Frasers Property                         | n/a                        | 27.03.18 |
| Landscape Plan  | Eco-design                               | L01 - Rev. C               | 19.12.17 |
| Plant Schedules   | Eco-design                               | L02 - Rev. C               | 19.12.17 |
| Material Schedule and Details   | Eco-design                               | L03 - Rev. C               | 19.12.17 |
| Shell Cove Exterior Palette   | Arklee                                   | Presentation               | No date  |
| Coloured Streetscapes Frasers Property Shell Cove Stage 53                                | Arklee                                   | CN5301-CN5311 Presentation | No date  |
| Appendix J - Air Quality & Noise  | LFA (Pacific) Pty Ltd / Wilkinson Murray | n/a                        | 02.2010  |
| Acid Sulfate Soil Management Plan - Precinct E, Northern Lands, WL6 & WL7 Shell Cove      | Coffey                                   | AA Rev 3                   | 13.02.17 |
| Draft S88B Instrument   | N/A                                      | Sheet 1 of 3               | No date  |

\* 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.

#### 4. Compliance with Notations on Drawings

Works must comply with any notations highlighted on the approved plans and specifications. In particular, changes to landscape plan as follows:

Omit the use of the tree species *Cupaniopsis ananardioides* this species is listed as an environmental weed within the Shellharbour LGA and replace with a *Buckinghamia celsissima*.

#### 5. House Numbering

House numbering will be as follows, as annotated on the approved subdivision plan:

- Lot 5301 – 32 Brigantine Drive, Fonzie Granny Flat – 1 Turnstone Lane
- Lot 5302 – 34 Brigantine Drive
- Lot 5303 – 36 Brigantine Drive
- Lot 5304 – 38 Brigantine Drive
- Lot 5305 – 40 Brigantine Drive
- Lot 5306 – 42 Brigantine Drive

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Lot 5307 – 18 Cormorant Way  
Lot 5308 – 20 Cormorant Way  
Lot 5309 – 22 Cormorant Way  
Lot 5310 – 24 Cormorant Way  
Lot 5311 – 26 Cormorant Way

Addresses should be included on the DA plans and noted on the Subdivision admin sheet.

Letterboxes should be visible from the street and clearly numbered according to the address allocated.

Please ensure Lot numbers on the Subdivision plan are the same as Unit & house numbers on DA & construction plans.

## **PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **6. Section 94 Contributions**

A contribution of \$104,125.18, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2016 Amendment 1 dated 8 March 2017* in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$111,944.25
- Less Credit for C1.26 Passive Open Space Embellishment – (\$7,819.06)

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](http://www.shellharbour.nsw.gov.au)

### **7. Building Plan Approval - Sydney Water**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap in™ online service is available at:

<<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>>

The Certifier must ensure that Sydney Water Tap in™ has issued the appropriate electronic approval prior to the commencement of any works

### **8. 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 Concept Drainage Plan CN5301-5306 & CN5307-5311 prepared by Frasers Property on 08/03/2019 – Rev. E,
- b. drain to the Council pipe, pits & drainage stubs,

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- 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 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 Shellharbour Development Control Plan unless variation is specifically noted and approved on DA concept drainage plan, and
- h. include 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.

#### **9. Easement & 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. Details to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

#### **10. Stormwater Conduit in Road Reserve and Connection with Kerb**

Where the existing connection point is not available in either normal kerb and gutter or roll type kerb and gutter, the kerb must be saw cut to provide for the connection of the pipe. The saw cut must ensure that a minimum of 50mm of cover is provided to the pipe to permit adequate strength and thickness for the concrete finish.

Galvanized steel pipe, sewer grade UPVC pipe or 'Corflow' spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter. The kerb and gutter connection must be a 100mm diameter galvanised steel circular section for 150mm kerb and gutter or a 150mm x 50mm galvanised rectangular steel section for roll kerb ensuring that the galvanised section is fully encased by concrete.

A maximum of two pipes of 100mm diameter may be used to discharge to the kerb and gutter. These details must be submitted with application for a Construction Certificate.

#### **11. 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.

#### **12. Engineer Designed Pavement (Residential)**

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. Pavement to comply with Australian Standard 'Guide to Residential Pavements' (AS 3727-1993 or subsequent amendments). These details must be submitted with application for a Construction Certificate.

### **PART C - PRIOR TO COMMENCEMENT OF WORKS**

### **13. Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993)**

Prior to any physical works within Council's road reserve such as (but not limited to) installing a driveway or connecting stormwater facilities you will need to apply for approval under Section 138 of the Roads Act. There is no additional cost as this is paid for at the time of development application.

To lodge your application you will need to submit the following information:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. traffic management plan,
- c. provision of public risk insurance and,
- d. details of timing and length of works.

### **14. 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.

### **15. 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 must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

### **16. Protection Fencing**

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

### **17. Acoustic Attenuation**

The dwelling must be designed and constructed with the minimum acoustic attenuation measures as per the recommendations found in:

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|                                  |  |     |         |
|----------------------------------|--|-----|---------|
| Appendix J - Air Quality & Noise | LFA (Pacific) Pty<br>Ltd / Wilkinson<br>Murray | n/a | 02.2010 |
|----------------------------------|--|-----|---------|

### 18. 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. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. 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 appropriately qualified and experienced engineer.

### 19. Section 138 Roads Act 1993

For works within the road reserve, the requirements of the Section 138 of the Roads Act 1993 apply. In this regard:

- a. If a driveway is proposed, a Driveway Application must be made, or
- b. If any other works are proposed and/or occupation of the road reserve proposed, a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's Fees and Charges will apply.

### 20. 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.

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## **PART D - DURING CONSTRUCTION WORKS**

### **21. Retaining Walls**

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

### **22. Driveway and/or Layback - From Kerb to Property Boundary**

A standard residential 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 6m,
- 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.

### **23. 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, and
- 8am to 1pm Saturdays.

Work must not be carried out on Sundays or public holidays.

### **24. Maintenance of Erosion & Runoff Controls**

The soil and water management controls must be maintained at all times during each stage of the development 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 and,
- b. drains, gutters and roads are 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.



## **25. Waste Management**

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

## **26. Storage of Materials**

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

## **27. 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 and/or prior to external walls being raised above ground floor level where there is no ground floor slab.

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,
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans, and
- c. the garage floor level complies with the garage floor level shown on the approved plans and grades comply with Council's gradient standards.

Australian Height Datum must be used.

## **28. Excavation & Drainage Easement**

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

## **29. 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 days' 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.

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### **30. Protection Fencing**

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

## **PART E - PRIOR TO OCCUPATION**

### **31. Occupation Certificate**

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

### **32. Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. This Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early 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.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 2092.

### **33. Electricity Supply**

Prior to the release of the Occupation Certificate for the development, the relevant electricity provider must provide written advice to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied.

### **34. BASIX**

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

### **35. 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 primary private open space area with minimum dimensions of 3m and a minimum area of 16m<sup>2</sup>, and
- b. the private open space areas of each dwelling must, when the development is completed, have a maximum gradient of 1 in 20.

### **36. 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.

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## **PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE TORRENS TITLE SUBDIVISION**

### **37. 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 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](mailto:traffic&subdivision@shellharbour.nsw.gov.au). The email and the electronic copy should be named "Subdivision Title & Stage DANo/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.

### **38. Release of Certificate**

The Subdivision Certificate for Stage 53 must not be released until the walls of the dwellings and garages have been constructed to a minimum height of 1m above ground level. Evidence that this requirement has been satisfied must be provided in the form of a report by a registered surveyor. The survey report must show all allotment boundaries and the relative position of the buildings to site boundaries. The distance of buildings must be in accordance with the approved plans.

## **PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE / DURING OCCUPATION**

### **39. BASIX Commitments**

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

### **40. Landscape Maintenance Period**

To ensure establishment of the landscape, the completed landscape works must be maintained for a 12-month period following the issue of the Subdivision Certificate. It is the responsibility of the developer to ensure that any defective landscaping shall be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

## **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.

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### **Advisory Notes – Project Specific**

#### **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.

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

#### **Long Service Levy**

The Long Service Levy must be paid prior to the issue of the Construction Certificate where the building and construction cost is \$25,000.00 and above.

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.

#### **Corrosion Protection of Metal Roofing**

Attention is drawn to the provisions of Table 3.5.1.1a of the Building Code of Australia (Housing Provisions) regarding corrosion protection of metal roofing in coastal areas.

#### **Corrosion Protection for Wall Ties**

Attention is drawn to the provisions of Table 3.3.3.1 of the Building Code of Australia (Housing Provisions) regarding corrosion protection of metal wall ties in coastal areas and heavy industrial areas.

#### **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.

#### **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.

#### **Lead Roof Flashing Not Permitted**

Lead must not be used on any roof forming part of a potable water catchment area, i.e. any roof draining to a rainwater tank that may be used for drinking water. (BCA 3.5.2.2).

#### **Air Conditioner**

The use of any air conditioner must not cause offensive noise at any time.

Note: Compliance with this requirement may necessitate the provision of an acoustic enclosure or acoustic treatment to the system and/or the restriction of hours of use of the air conditioning system. The Protection of the Environment Operations (Noise Control) Regulation 2000 prohibits the use of any air conditioner at prescribed times when it can be heard in adjoining premises.

#### **Landscape Inspection Fee (condition if Council is PCA)**

The developer must lodge with Council an inspection fee of \$655.00 in accordance with Council's Fees and Charges for:

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- a. landscape inspection prior to occupation of the development, and
- b. Landscape inspection following completion of the maintenance period prior to the issue of the Construction Certificate.

### **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**

### **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.

### **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.

### **SafeWork NSW**

The requirements of SafeWork NSW must be satisfied at all times.

### **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.

### **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.

### **Lapsing of Development Consent**

In accordance with Part 4, Division 4.9, section 4.53 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.

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### **Right to Appeal**

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 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.

Review of Determination

If you are dissatisfied with this decision, Part 8, Division 8.2 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.

Division 8.2 of the Environmental Planning & Assessment Act 1979 does not apply to:

- a determination to issue or refuse to issue a complying development certificate;
- a determination in respect of designated development,
- a determination in respect of integrated development,
- a determination made by the Council under Division 4 in respect of an application made by the Crown.

### **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 4.55 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.

### **BASIX**

Please note that the requirement for lodging a modification of development consent under section 4.55 of the Environmental Planning & Assessment Act 1979 may result in the requirement for a revised BASIX certificate to be submitted for assessment.

### **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.

### **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](http://www.1100.com.au) <<http://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.

### **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 (Commonwealth) 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.

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**Development within Vicinity of a High Pressure Gas Main**

Contact Dial Before You Dig on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)  
<<http://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

**END OF NOTICE**

