

# JOINT REGIONAL PLANNING PANEL

## (Southern Region)

### ASSESSMENT REPORT SUMMARY AND RECOMMENDATION COVER SHEET

JRPP No	2015STH026
DA Number	651/2015
Local Government Area	Shellharbour
Proposed Development	23 dwellings and 23 lot Torrens title subdivision
Location	Lot 1279 DP 1175512 (Proposed lots 2039 & 2040 in DP 1203745), The Farm Way Shell Cove
Applicant/Owner	Australand Corporation (NSW) Pty Ltd / Shellharbour City Council
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Clause 4 Council related development with a CIV over \$5 million Development that has a capital investment value of more than \$5 million as the council is the owner of any land on which the development is to be carried out. The value of the development is 8,108,125.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 71 – Coastal Protection</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Shellharbour Local Environmental Plan 2013</li> <li>• Shellharbour Development Control Plan</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Revised site plan ground floor and subdivision plan from applicant sent 16.12 2015</li> <li>• Plans showing window adjustment</li> <li>• Draft DP &amp; 88B Instrument</li> <li>• Information submitted with the development application.</li> </ul>
Recommendation	That DA No. 651/2015 (JRPP Ref no. 2015STH026) be approved subject to the imposition of conditions contained in Attachment 1.
Report by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed	Grant Meredith, Group Manager City Development

## PLANNING REPORT

### Preamble

The development site falls within the Shell Cove Boat Harbour Precinct, a master planned estate approved under the Major Project Approval *Shell Cove Boat Harbour Precinct Concept Plan*, Concept Approval No. 07\_0027, approved 15.02.2011. The masterplan comprises of residential, commercial, retail, hotel, business park, dry boat storage facility, open space and wetlands; refer Attachments 2 and 3 at the end of this report.

Development Application No. (DA) 411/2013 (JRPP Reference no. 2013STH027) sought approval for the subdivision of residential precincts B1 and C1 of the Shell Cove Boat Harbour Precinct (BHP) to create 88 residential lots, 14 superlots for future medium density residential development, 4 public reserves, 1 auxiliary lot for future carparking and sewerage pump station, and associated local streets and laneways.

DA 411/2013 was reported to the Joint Regional Planning Panel as Council was the owner of the land and the capital investment value exceeded \$5M. The Panel conditionally approved DA 411/2013 on 3 November 2014.

The current application, DA 651/2015, relates to the development of two of the superlots approved under DA 411/2013. Attachment 4 shows the location of these 2 superlots within the approved subdivision.

As DA 411/2013 was the first development within the approved Shell Cove Boat Harbour Precinct, this development proposal is the first medium density housing development in the Harbour Precinct.

### 1 Development proposal

The development seeks approval for the construction of 23 dwellings and 23 lot Torrens title subdivision with one dwelling on each lot.

Lot 98 of development site has frontage to Harbour Boulevard. Lot 97 has frontage to street 5. Both have a secondary frontage to lane 6. The road layout has been approved under Development Consent No. 411/2013. All dwellings are rear loaded having vehicular access from the laneway.

Lot sizes vary in area between 211.1m<sup>2</sup> to 317.4m<sup>2</sup>.

The development comprises of:

- 2 x detached dwellings
- 3 x 2 attached dwellings
- 5 x 3 attached dwellings
- 3 x studio dwellings (in conjunction with a main dwelling)
- All dwellings are 2 storey with single storey garages, with exception of the 3 garages that have a studio dwelling above the garage.
- Studio dwellings will remain on the same land title as the main dwelling.
- Each dwelling has two car parking spaces as a double garage. The studio dwellings each have one open car parking space adjoining the double garage of the main dwelling.

Attachments 5 and 6 show the site and elevation plans of the proposal.

### Works program

Lots 97 and 98 of Development Consent No. 411/2013 have not been registered with Land and Property Information (LPI). Civil works including grading, bulk earthworks, drainage & services infrastructure and road construction are currently being carried out, or will be soon, and it is anticipated that the subdivision will be registered with the LPI June 2016. The approved bulk earthworks plan of the subdivision consent shows for these 2 lots fill depths varying between 1-2m. No civil works are proposed as part of the subject dwelling application.

The applicant is proposing to commence building works prior to registration of the subdivision of the subject lots, with the aim of having the occupation certificates issued soon after land registration with LPI.

It is proposed to construct the dwellings in a single stage and obtain a single subdivision certificate.

### Urban design guidelines

The Concept Approval requires the preparation of detailed urban design guidelines for each stage of the development. Guidelines for the future development of the superlots of precincts B1 and C1 were not lodged with DA 411/2015 and instead form part of the current application.

The Concept Approval requires the preparation of urban design guidelines, prepared by a suitably qualified architect or urban designer, to establish design controls to achieve the following (only those applicable to precinct B1 and C1 have been noted):

- architectural diversity within all stages which complements the site's coastal context,
- a variety of detailed designs which avoid monotones and repetition,
- demonstration of a mix of dwelling types and sizes for each residential precinct, including consideration of affordable and adaptable housing,
- building separation, setbacks, solar access, visual and acoustic privacy, view corridors and an adequate level of environmental amenity
- compliance with *Crime Prevention Through Environmental Design* (CPTED) principles,
- appropriate density, bulk, scale, textures and colours in relation to surrounding development, topography and streetscape,
- consistency with the *New South Wales Coastal Policy 1997* and *Coastal Design Guidelines New South Wales* in terms of visual impact, bulk, scale and amenity,
- buildings which address main avenues or boulevards and services by rear laneways/access ways to improve legibility and prevent gated communities.

The design guidelines have been prepared by an appropriately qualified person and are considered to have duly considered the relevant design criteria as set out in the Concept Approval. The guidelines form part of the supporting information submitted with the DA.

The dwelling development has been designed in accordance with the guidelines. The applicant has completed a compliance table to demonstrate how the proposal meets the quantitative controls of the Guideline; the compliance table forms part of the Statement of Environmental Effects submitted with the DA.

### Lot reference

The subdivision of Lot 1279 DP 1175512, as part of the Development Consent No. 411/2013 will create DP 1203745 which will include the subject lots 97 & 98. LPI have listed the lot numbers starting from 2001. Lots 97 & 98 will be registered as lots 2039 and 2040, respectively, in DP 1203745. Both lot references have been referred to interchangeably in the supporting information. The draft DP and 88B Instrument is submitted with this report as a separate attachment for your information.

### Concept Approval

The Concept Approval required further environmental studies to be prepared, submitted and approved by the relevant authority with the first DA. The Approval also required further environmental assessments to be carried out and these were also submitted with DA 411/2013. These assessment reports were considered in the assessment of the subdivision proposal of DA 411/2013 and supported. The environmental matters considered in the DA 411/2013 have not been revisited as part of the proposed dwelling development.

As the subdivision DA was found to be consistent with the Concept Approval and the dwelling development has been designed to comply with Design Guidelines formulated in accordance with the urban design criteria of the Concept Approval, the proposal can be considered to be consistent with the Concept Approval 07\_0027.

## **2 Site description & surrounding land uses**

The development site falls within the Shell Cove Boat Harbour Precinct. This Precinct surrounds a boat harbour and marina currently under construction.

The site will adjoin Harbour Boulevard to the east, a sub-arterial road, also currently under construction. To the west of the site on the other side of Harbour Boulevard is Stage 10D of the planned Shell Cove Estate, where a mix of single and multi dwelling residential developments are being established.

To the immediate north and south of the site are residential 'standard' sized lots for future development primarily comprising of single dwellings. Further north is the commercial precinct of the BHP and to the south lies the Bass Point Reserve and an existing quarry.

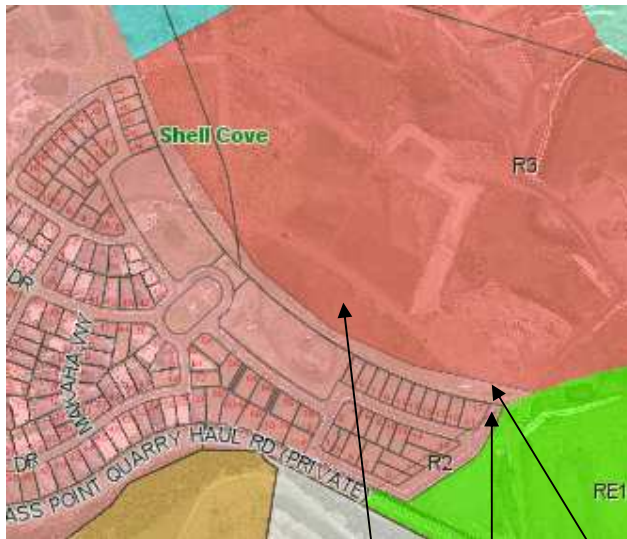
The land was formerly used as farmland and grazing. Considerable bulk earthworks has now taken place as part of the approved works of Development Consent No. 411/2013.

## **3 Statutory development assessment framework**

### **3.1 Permissibility**

As can be seen in the figure below, the site is zoned R3 Medium Density Residential under *Shellharbour Local Environmental Plan 2013* (SLEP 2013).

Notwithstanding the Concept Plan Approval, the development proposal is permissible development pursuant to the Land Use Table.



**Figure - Land Use Zoning**

Site      The Farm Way      Future Harbour Boulevard

### 3.2 Public notice of application

Pursuant to s79A of the *Environmental Planning & Assessment Act 1979* (the Act), the DA was publicly notified as required by the provisions of the *Shellharbour Development Control Plan* (DCP).

The DA was publicly notified for a period of 21 days commencing 5.11.2015 and closing 25.11.2015. The notification included a DA notification sign on the land, letters to property owners/occupiers within 50m of the site and an advertisement notice in the local newspaper seeking representations regarding the proposal to be submitted for Council's consideration within the 21 day period.

### 3.3 Section 79C assessment

In determining a development application, a consent authority is to take into consideration matters referred to in section 79C(1) of the Act as are of relevance to the development the subject of the application:

- (a) **Section 79C (1) (a)(i)(ii)(iii)(iiia)(iv)(v) - environmental planning instruments; any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, any development control plan, and any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan;**

- **State Environmental Planning Policy No. 71 – Coastal Protection**

*State Environmental Planning Policy No. 71*. (SEPP 71) applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*. The site falls within the coastal zone. SEPP 71 aims to protect and manage the natural, cultural, recreational and economic attributes, vegetation and visual amenity of the NSW Coast as it applies to the site. In doing so it requires development to be assessed under a range of considerations (for examples, clause 8 and Part 4).

The site does not have direct frontage to the coast and will have limited visibility from the coastal area as it will be surrounded by future residential development.

The proposal is considered to be consistent with the provisions of SEPP 71. The subdivision design and layout of the proposal is generally consistent with the Concept Plan approval and stormwater and water cycle management, including identified water quality target design requirements, was a consideration under the subdivision DA 411/2013 approval.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

The aim of SEPP 55 is to provide for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or environment and requiring that any remediation work meet certain standards and notification requirements.

A Phase 2 site contamination assessment of the BHP was submitted with the Preferred Planning Report for the Concept Plan application and concluded that a remedial action plan was required for the former golf course and at the location of a former farm structure. The aforementioned land use and structure however are not located on land within precincts B1 and C1 and accordingly remediation works are not required in this regard.

The proposal within precinct B1 will not undermine the objectives of this Policy.

- **State Environmental Planning Policy (State and Regional Development) 2011**

The provisions of this Policy apply to the development proposal, however only insofar as identifying the proposal as regional development where the consent authority is the Joint Regional Planning Policy.

- **Shellharbour Local Environmental Plan 2013 (SLEP 2013)**

*Land Use Table*

The land is zoned R3 Medium Density Residential under SLEP 2013.

The R3 zone objectives as provided in the Land Use Table are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Under clause 2.3(2) of SLEP 2013, the consent authority must have regard to the objectives for development in the zone. The proposed subdivision is consistent with the objectives of the land use zone.

The development standards of SLEP 2013, such as floor space ratio, minimum lot size, building height, also extend to the land approved under the Concept Approval, however the Concept Approval prevails. The Concept Approval establishes indicative dwelling numbers, types and number of storeys. Notwithstanding, the built form of the proposal will be compatible with the adjoining Shell Cove development, west of Harbour Boulevard. Development consents have recently been approved for similar dwelling developments that have frontage to Harbour Boulevard. The transition in built form between the residential development assessed under SLEP 2013 and SDCP and the residential development within the BHP is likely therefore to be cohesive and coordinated.

### *Clause 5.5 Development in the coastal zone*

Refer to SEPP 71 comment above. The site does not have direct frontage to the foreshore and as such will not affect existing public foreshore access or foreshore attributes.

### *Clause 5.10 Heritage conservation*

Heritage was considered during the assessment of DA 411/2013 subdivision proposal. In brief, it was concluded that the site does not contain any European heritage items, conservation areas or Indigenous places or objects.

Aboriginal heritage significance was investigated as part of the Part 3A Concept Plan application and the archaeological sensitivity of the area was considered low. The Director-General's Environmental Assessment Report of the BHP considers that the existing Aboriginal Heritage Impact Permit (AHIP), which includes the BHP site, and the Boat Harbour consent will provide appropriate management of Aboriginal objects during the excavation and construction of land surrounding the boat harbour. Compliance with the existing Permit for the area forms part of the subdivision development consent. Notwithstanding the statutory requirements regarding any unexpected encountering of a potential artefact, it should be noted that the dwelling development does not propose civil works, and excavation works to the existing ground form relating to footings and services will be limited.

### *Clause 6.1 Acid sulfate soils*

The subject site is not mapped as an area containing potential acid sulfate soils.

- **Shellharbour Development Control Plan 2013**

The provisions of the SDCP are limited to the public notification requirements contained therein. The DA is assessed under the design guidelines developed as required by the Concept Approval.

### *Clause 6.3 Flooding*

The subdivision DA 411/2013 was supported by a flood assessment study, as required by the Concept Plan approval. This study concluded that the residential lots of precincts B1 (and C1) will not be flood affected.

- **Other matters**

No planning agreement under Section 93F applies to the site or any draft planning agreement. No coastal zone management plan applies to the site. With regard to the Regulations, the prescribed conditions relating to demolition are relevant to this proposal.

**(b) Section 79C (1)(b)- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality;**

The assessment of likely impacts of the development that have not been discussed elsewhere in this report are discussed below.

### *Noise and vibration*

The acoustic assessment completed for the proposal concludes that the noise from the Haul Road and Bass Point Quarry is satisfactory and predicted to meet specified noise criterion.

However, road traffic noise is predicted to exceed relevant noise guidelines at residences along Harbour Boulevard. Acoustic treatment recommendations have been provided which

are predicted to minimise the road traffic noise to within an acceptable level to meet the noise assessment guidelines.

The terms of restriction on the use of the land specific to acoustic attenuation are detailed on page 3 of the draft 88B document. The draft 88B document reflects the acoustic treatment recommendations detailed in the acoustic assessment prepared for the submission, however, it does not include all lots adjoining Harbour Boulevard.

The restriction on the use of the land regarding acoustic attenuation to all lots adjoining Harbour Boulevard is included in the recommended conditions.

#### **Traffic**

No objection was raised to the proposal by the development engineer with regard to traffic. The road design and layout under DA 411/2013 considered the predicted future traffic levels likely to be generated by a medium density residential environment. No changes to the approved road layout and design is being proposed.

Roads and Maritime Services (RMS) were not notified of the DA. The subdivision DA was referred to the RMS. In reply, the RMS advised that they 'will not object to the proposed subdivision as all access is from the local road network and the proposal is not considered to have any significant impact on the classified road network'.

#### **(c) Section 79C (1)(c)- the suitability of the site for development;**

The site is suitable for the proposed development subject to the imposition of conditions contained in the Attachment 1.

#### **(d) Section 79C (1)(d)- any submissions made in accordance with the Act or the Regulations;**

No submissions were made to Council regarding the proposed development.

#### **(e) Section 79C (1)(e)- the public interest.**

The proposal is consistent with the Concept Plan Approval and is a logical step in the future development of the Shell Cove Boat Harbour Precinct. The proposal will increase the supply and diversity of housing in a coastal environment and will contribute to supporting the future town centre development.

As such, development consent of this proposal will not undermine the public interest subject to appropriate conditions being imposed on any development consent.

### **3 Recommendation**

It is recommended that DA No. 651/2015 (JRPP Ref no. 2015STH026) be approved subject to the draft conditions contained in Attachment 1.



## Attachments

Attachment 1 – Draft Schedule of Conditions

Attachment 2 – Site Context & Boat Harbour Precinct

Attachment 3 – Approved Concept Plan Boat Harbour Precinct

Attachment 4 – Subdivision approved under Development Consent No. 411/2013

Attachment 5 – Site Plan

Attachment 6 – Street & Laneway Elevations

### Attachment 1 – Draft Schedule of Conditions

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

#### PART A - ADMINISTRATIVE CONDITIONS

##### **A1 Construction Certificate & PCA Notification** ***Environmental Planning & Assessment Act 1979 Section 81A***

**Before any site works, building or use is commenced**, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, 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 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 except as modified by conditions of this consent.

<b>Name of Plan/Document</b>	<b>Prepared By</b>	<b>Drawing/Document No./Revision</b>	<b>Date</b>
Site Plan – Ground Floor Plan	Australand Property Group Pty Limited	2.1 Version G	07.09.2015
Site Plan – First Floor Plan	Australand Property Group Pty Limited	2.2 Version D	03.09.2015
CN 9701 Architectural Plans	Frasers Property	5.1 - 5.3 Version B	08.10.2015
CN 9702, 9703, 9704 with Studio Architectural Plans	Frasers Property	5.4 & 5.5 Version C 5.6 & 5.7 Version B	08.10.2015
CN 9705 & 9706 Architectural Plans	Frasers Property	5.8 – 5.10 Version B	08.10.2015
CN 9707 with Studio, 9708 &	Frasers Property	5.11 & 5.12 Version C	08.10.2015

JRPP No. 2015STH026  
 Development Application No. 651/2015  
 Lot 1279 DP 1175512, The Farm Way Shell Cove

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Date
9709 Architectural Plans		5.13 & 5.14 Version B	
CN 9710 Architectural Plans	Frasers Property	5.15 - 5.17 Version B	08.10.2015
CN 9801 & 9802 Architectural Plans	Frasers Property	5.18 - 5.19 Version C 5.20 Version B	08.10.2015
CN 9803, 9804 & 9805 Dwelling Architectural Plans	Frasers Property	5.21 & 5.22 Version C	08.10.2015
CN 9803 & 9804 - Garage Plans	Frasers Property	5.23 Version B	08.10.2015
CN 9805 & 9806 - Garage Plans, Elevations & Sections	Frasers Property	5.24 Version B	08.10.2015
CN 9806, 9807 with Studio & 9808 Architectural Plans	Frasers Property	5.25 & 5.26 Version C 5.27 Version B	08.10.2015
CN 9808 & 9809 Garage Plans	Frasers Property	5.2.8 Version B	08.10.2015
CN 9809, 9810 & 9811 Dwelling Architectural Plans	Frasers Property	5.29 & 5.30 Version C	08.10.2015
CN9810 & 9811 Garage Plans	Frasers Property	5.31 Version B	08.10.2015
CN 9812 & 9813 Architectural Plans	Frasers Property	5.32 & 5.33 Version C 5.34 Version B	08.10.2015
BASIX Certificate	Victor Lin & Associates Pty Ltd	Certificate No.651000M	12.10.2015
NatHER's Certificate	Victor Lin & Associates Pty Ltd	Certificate No.14540207	12.10.2015
Subdivision Plan	Australand Property Group Pty Limited	1.1 Version C	16.12.2015
Site Waste Management Plan	-	-	As lodged with DA
Landscape Plan	Eco Design	L-01 – L-06 Revision A	17.08.2015
The Assessment of Air Quality and Noise	Wilkinson Murray Pty Limited	Report no. 05135-CP Version E	January 2010.
Marked up plans	-	-	As submitted to Council 16.12.2015

\* 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.

#### **A4 Easements**

Structures must not encroach onto any easement.

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

#### **B1 Section 94 Contributions**

A contribution of \$225,118.64, 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. 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](http://www.shellharbour.nsw.gov.au)

## **B2 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 Site Plan 2.1 Rev F prepared by Australand on 03/09/2015,
- b. lots CN9801 to CN9813 drain to the council pipe, and CN9701 to CN9710 drain to the street,
- 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
- h. be to the satisfaction of the Certifying Authority.

## **B3 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 available on all 3 sides of 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.

#### **B4 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. will have no loss of support as a result of excavations.

#### **B5 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.

#### **B6 Amendments to Approved Plans**

The amendments described below must be incorporated into the development and must be shown on the plans prepared for the purpose of obtaining a Construction Certificate:

- a. the kitchen window of the studio dwellings is to have a sill height of at least 1500mm above floor level or have obscure glazing up to 1500mm above floor level. The intent of this is to minimise overlooking into the rear open space of the dwelling on the same allotment, noting that the studio dwelling may have separate occupancy,
- b. the large window of the kitchen-living/dining area of the studio dwellings is to be redesigned to minimise overlooking into the neighbouring open space area, or its location on this elevation be switched with the smaller window on the same elevation.
- c. where an upper level window on the side elevations of a dwelling will face directly a window of an adjoining dwelling, the window must be offset by at least 0.5m, or must have a sill height of at least 1500mm above floor level or must have obscure glazing 1.5m above floor level,
- d. the window changes on the marked up plans referred to in condition A3, and
- e. the acoustic attenuation measures for dwellings located within 40m of the Harbour Boulevard in accordance with 'The Assessment of Air Quality and Noise' prepared by Wilkinson Murray Pty Limited Report no. 05135-CP Version E dated January 2010 .

### **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 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 must make specific reference to fill as a consideration.

## **C3 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 is 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 accredited certifier in civil engineering.

## **C4 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993**

For works within the road reserve a Road Opening Permit under section 138 of the *Roads Act 1993* is required.

An application must be made to Council for the temporary occupation of the road reserve prior to works commencing. Please note the application *may* require the following:

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

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

### **D1 Hours of Work During Demolition and Construction Work**

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

- 7am to 6pm 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 dockets 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,
- 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.

#### **D6 Cut/Fill**

The cut and fill areas must:

- a. be suitably retained,
- b. be in accordance with the approved plans, and
- c. have a maximum grade of 45° (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area.

#### **D7 Retaining Walls**

Any retaining walls must:

- a. have a maximum height in accordance with the approved plans, 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.

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

#### **E1 Registration of Land**

Evidence of the registration of the subdivision of Subdivision Construction Certificate No. 411/2013.2, approved under Development Consent No. 411/2013, with NSW Land and Property Information must be provided to the Principal Certifying Authority prior to issue of any, including interim, Occupation Certificate.

#### **E2 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 buildings must not be occupied until the Principal Certifying Authority issues an Occupation Certificate.

#### **E3 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](http://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.

#### **E4 BASIX**

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

#### **E5 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.

#### **E6 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.

#### **E7 Completion of Landscape Works**

Landscape works must be carried out 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.

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

#### **F1 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 - 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.

## **F2 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.

## **F3 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 shall be placed on title to address the following:

- a. kerbside collection of waste is not permitted from Harbour Boulevard,
- b. vehicular access for those lots having frontage to Harbour Boulevard is not permitted from Harbour Boulevard,
- c. acoustic attenuation for lots within 40m of Harbour Boulevard in accordance with 'The Assessment of Air Quality and Noise' prepared by Wilkinson Murray Pty Limited Report no. 05135-CP Version E dated January 2010, and
- d. general fill.

## **F4 Release of Certificate**

The Subdivision Certificate 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 registered surveyor's identification survey report. This survey report must show all allotment boundaries and the position of the buildings in relation to the boundaries. The distance of the buildings to the boundaries must be in accordance with the approved plans.

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

##### **G1 BASIX Commitments**

All commitments listed in the BASIX Certificates for the development must be maintained for the life of the development.

**END OF RECOMMENDED CONDITIONS**

Attachment 2 – Site Context & Boat Harbour Precinct

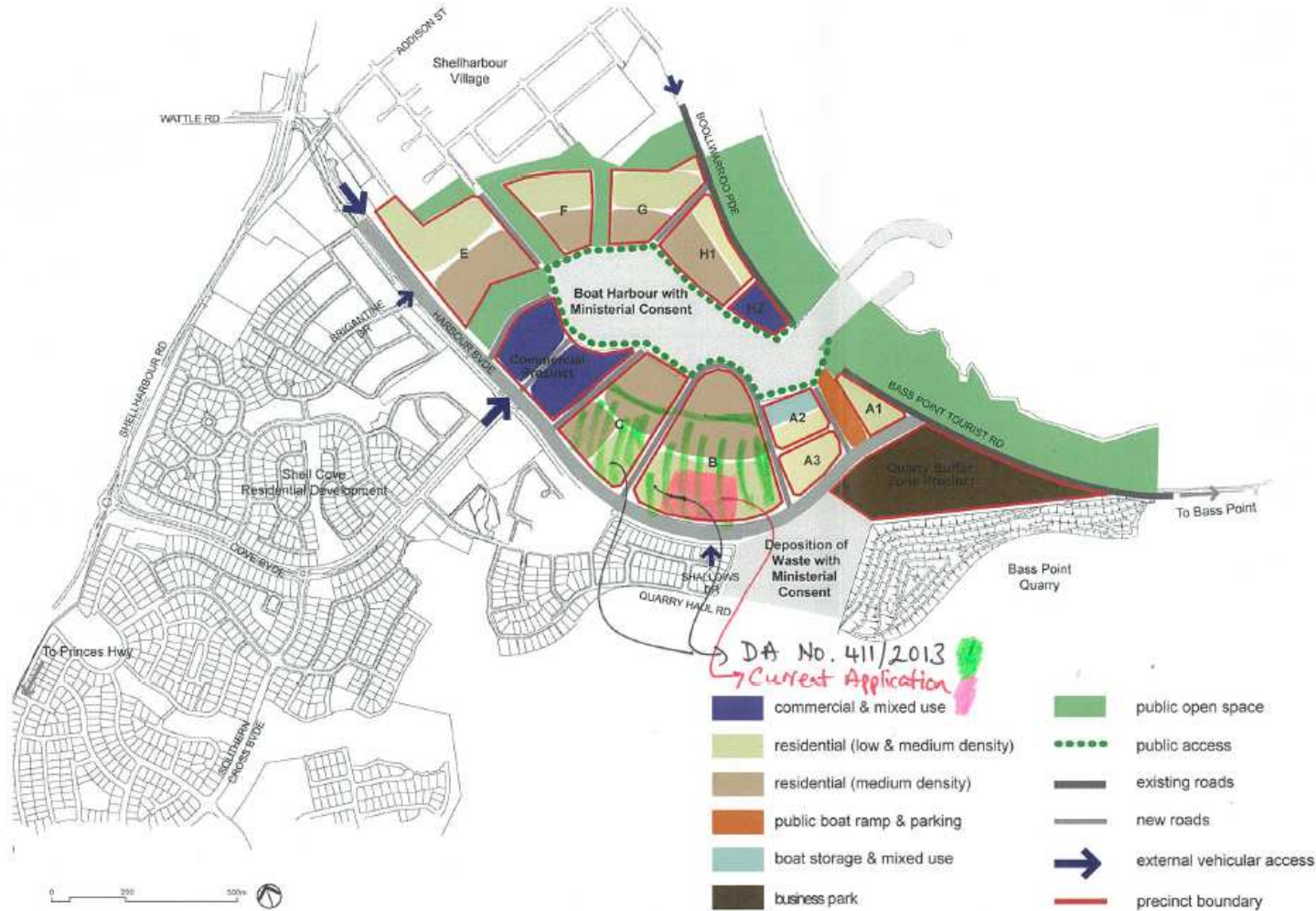




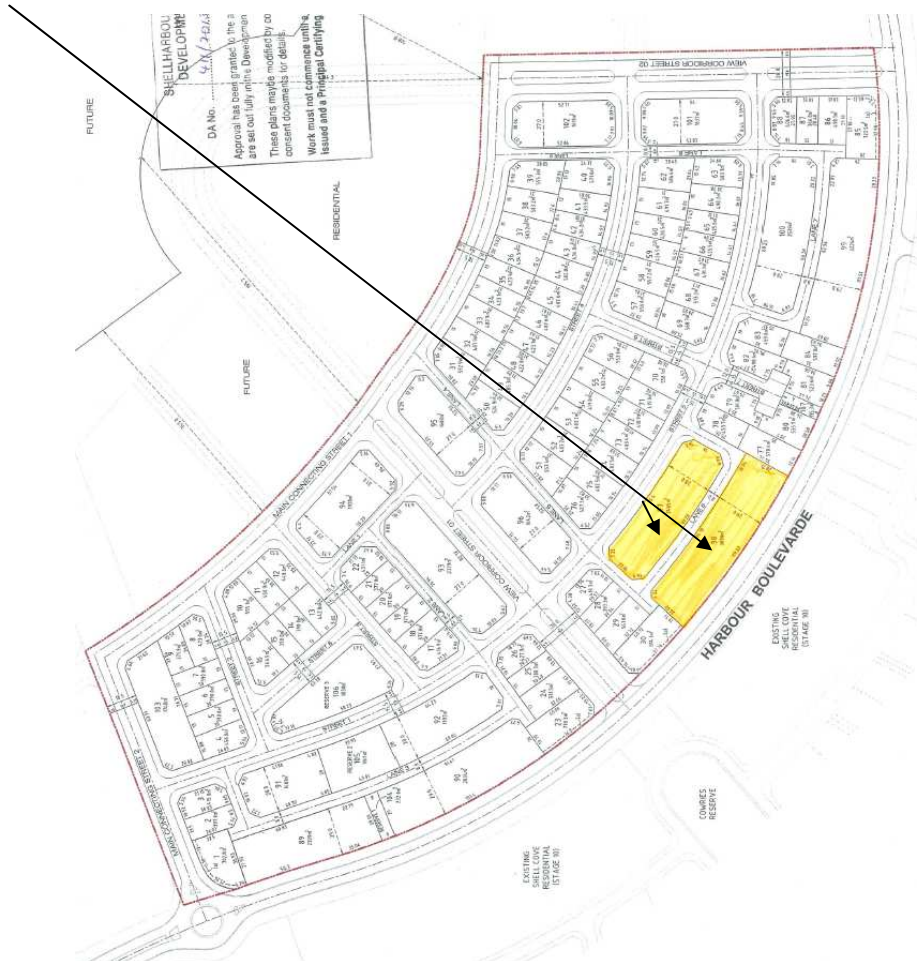
JRPP No. 2015STH026  
 Development Application No. 651/2015  
 Lot 1279 DP 1175512, The Farm Way Shell Cove

### Attachment 3 – Approved Concept Plan Boat Harbour Precinct

Lots 97 & 98 are located within precinct B1. The residential subdivision of precincts B1 & C1 were approved under Development Consent No. 411/2013.



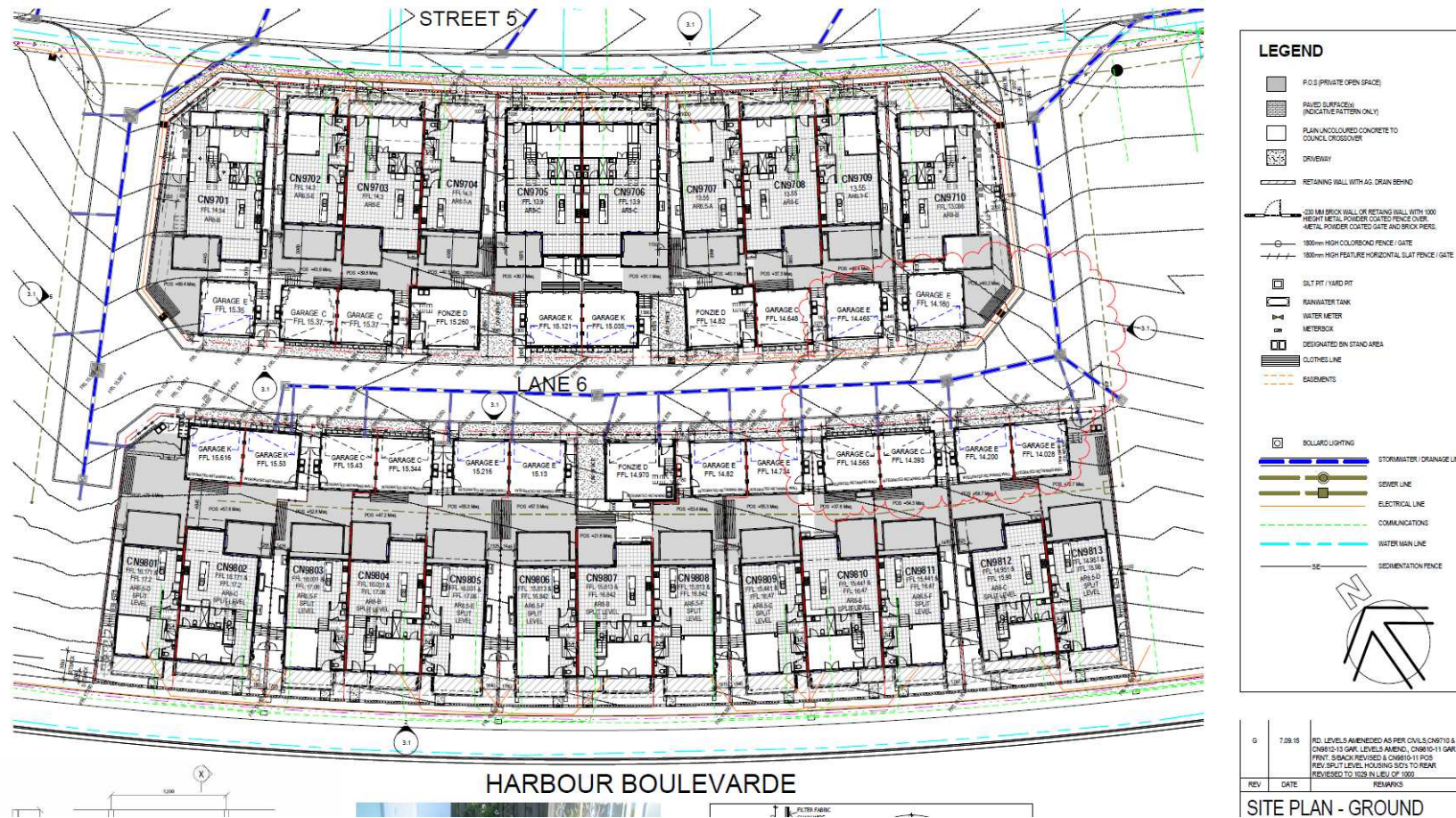
Subject lots no. 97 & 98 (residential precinct B1)





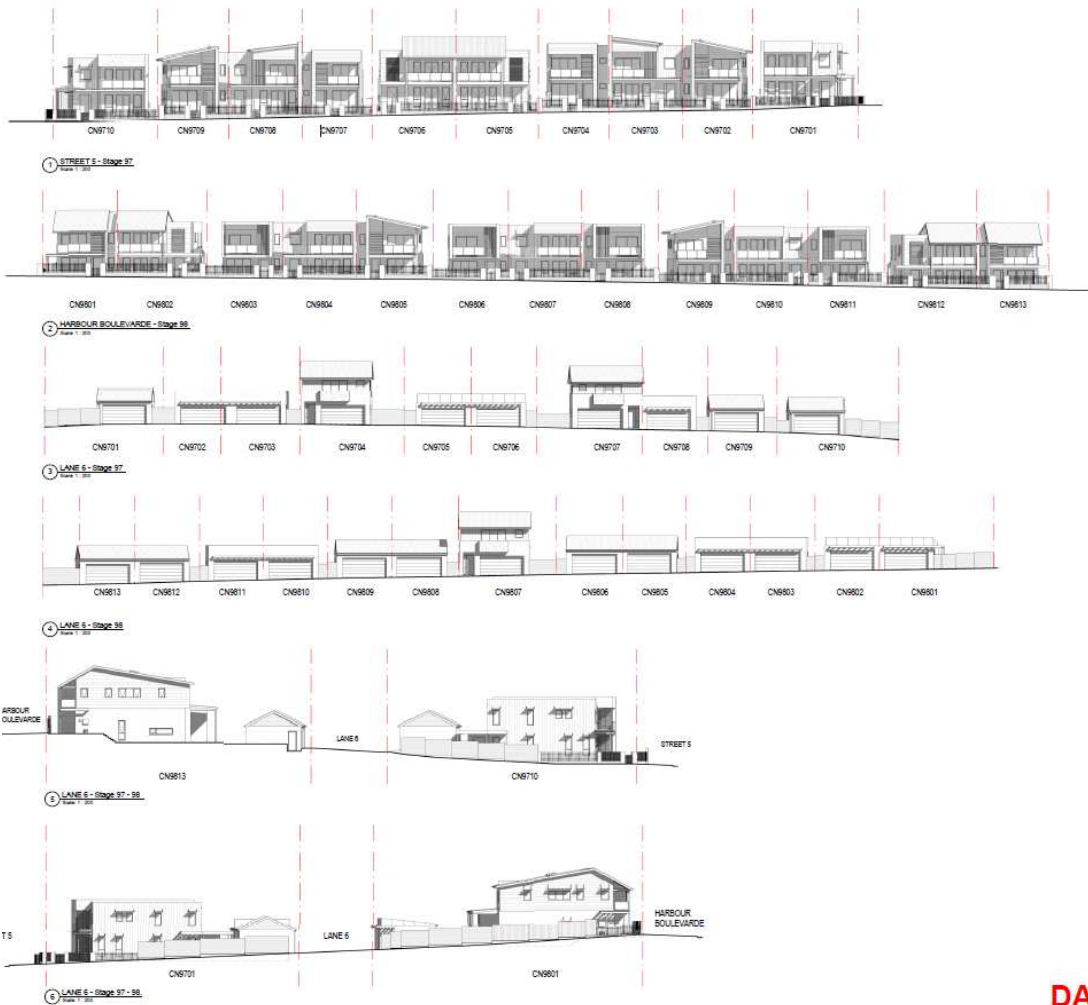
JRPP No. 2015STH026  
 Development Application No. 651/2015  
 Lot 1279 DP 1175512, The Farm Way Shell Cove

## Attachment 5 – Site Plan



JRPP No. 2015STH026  
Development Application No. 651/2015  
Lot 1279 DP 1175512, The Farm Way Shell Cove

Attachment 6 – Street & Laneway Elevations



**LEGEND**

- P.O.S (PRIVATE OPEN SPACE)
- PRIVATE DRIVE ACCESS (INDICATIVE PATTERN ONLY)
- PLAIN UNCOLOURED CONCRETE TO COUNCIL CROSSOVER
- DRIVEWAY
- RETAINING WALL, WITH AG. DRAIN REQUIRED
- ON-AM BRICK WALL ON RETAINING WALL WITH 1000mm HIGH METAL FENCE COLOURED FENCE PANELS
- 1000mm HIGH COLOURED FENCE (GATE)
- 1000mm HIGH COLOURED FENCE (GATE)
- SALT PLY (FENCED)
- PERMANENT FENCE
- METER BOX
- METER BOX
- DEGRADED OR STAINED AREA
- CLOTHES LINE
- ENDMENTS
- ISOLATED LIGHTING
- STORMWATER / DRAINAGE LINE
- SEWER LINE
- ELECTRICAL LINE
- COMMUNICATIONS
- WATER MAIN LINE
- DE
- SEGMENTATION FENCE

D	3/09/15	DA ISSUE
C	22/07/15	NORTH POINT PILLUSING AMENDED
B	20/07/15	DA & SOLAR COMPLIANCE TABLES ADDED
A	30/06/15	WINDOWS DELETED & FENCING REVERSED
REV	DATE	REMARKS
1	3/09/15	PRELIMINARY ISSUE
<b>STREETSCAPE ELEVATIONS</b>		
PROJECT: BOAT HARBOUR PRECINCT B Proposed Subdivision of Lots 2039 & 2040 in subdivision of Lot 1279 to create subdivision of lots CN9701 - 9710 / CN9801 - 9813 HARBOUR BOULEVARDE SHELL HARBOUR, NSW		
DATE	ISSUE DATE	VERSION
3/09/15	3/09/15	D
DRAWING NUMBER:		
3.1		
Office Address: Level 3, 10 Macquarie Street FRASERS PROPERTY PO Box 3607 PHOENIX NSW 2136		
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DA ISSUE