

19 November 2007
Our Ref: 6376B.DK

The Director-General
Department of Planning
GPO Box 39
SYDNEY 2001

Attention: Mr Michael File
Director
Strategic Assessments

Dear Sir

**Section 75W Modification of Concept Plan and Project Approvals
(MP06_0060 and MP06_0058)
Residential and Commercial development at
Cnr The Wool Road – Naval College Road, Vincentia**

1.0 INTRODUCTION

The purpose of this letter is to formally apply to the Department of Planning for an amendment to the Concept Plan approval for the above Major Project in accordance with the provisions of Section 75W of the Environmental Planning & Assessment Act (the Act). An authorisation from Stockland to submit this application is attached at **Appendix A**.

The modification seeks to confirm and clarify provisions of the approval that nominate future dwelling houses relating to the approved residential subdivision component of the Concept Plan approval as complying development for the purposes of the Act. The modification also revises the complying development standards and Design Guidelines approved as part of the Concept Plan to improve the built form outcome.

Stockland also requests that the Minister make an order under Section 75P(2)(d) of the Act to declare:

- (i) dwelling houses, including alterations and additions, as complying development, for the purposes of the Act; and
- (ii) minor development ancillary to a dwelling house as exempt development for the purposes of the Act,

consistent with the exempt and complying development standards and design controls approved as part of the Concept Plan approval.

2.0 BACKGROUND

2.1 Existing Approvals

Stockland Development Pty Ltd (Stockland) submitted concurrent Concept Plan and Project Applications under Part 3A of the Act for land at the corner of The Wool Road and Naval



College Road, Vincentia. In general terms, the major components of development for which Concept Plan approval was sought included the district shopping centre, residential subdivision and adaptable housing. Similarly, the Project Application principally sought approval to subdivide the residential component shown in the Concept Plan to create 604 residential lots, along with associated infrastructure and activities.

The Preferred Project report outlined in Section 4.3 how Exempt and Complying Development would operate on the site and Section 5 detailed the approvals process for subsequent applications.

“4.3 Exempt and Complying Development

The exempt and complying controls set out in Shoalhaven City Council Development Control Plan 89 Exempt and Complying Development apply to the land covered by the project and concept plans with the following additions.

Dwelling Houses that comply with the schedule included in annexure D of this preferred project report.

.....”

5. Subsequent Applications

Subsequent approvals required for the subdivision are set out below.

It is the intention of Stockland that Part 4A certificate: Subdivision certificates are issued by Shoalhaven City Council or an accredited certifier. It is also the intention of Stockland that the Minister for Planning is the consent authority to consider any modifications to the concept and project approvals.

The proposed approvals process for future development is set out below.

Future Development	Process	Consent Authority
<i>Residential development and other permissible developments in the residential subdivision</i>	<ul style="list-style-type: none"> <i>Part 3A if the development meets state significant development criteria.</i> Part 4 Complying development – if it meets the Design Controls and Requirements <i>Part 4 Development consent if the development does not meet the standards included in the design controls and is not state significant development.</i> 	Minister for Planning Accredited Certifier Shoalhaven City Council
<i>Display Village</i>	<ul style="list-style-type: none"> <i>Part 3A – project approval (if not Complying Development)</i> 	<i>Minister for Planning</i>
<i>District Town Centre</i>	<ul style="list-style-type: none"> <i>Part 3A – project approval</i> 	<i>Minister for Planning</i>
<i>Adaptable housing</i>	<ul style="list-style-type: none"> <i>Part 3A – project approval</i> 	<i>Minister for Planning</i>

Annexure 4 of the Preferred Project Report contained a set of complying development standards and was approved as part of the Concept Plan Approval. The complying



development standards relate to “a single dwelling (including alterations and additions) on a single lot with no further subdivision allowed”.

The proposed Section 75W modification will clarify the legislative mechanism to activate the exempt and complying development controls.

3.0 PROPOSED MODIFICATIONS

3.1 Components of the Section 75W Modification

The Section 75W modification involves:

- (1) Modifying the Project Approval as set out below.
- (2) Introducing a package comprising exempt and complying development controls which will include:
 - A set of exempt and complying development controls applying to Vincentia Coastal Village; and
 - Design Guidelines that will be provided to purchasers and used by Stockland to endorse the proposed house designs before the submission of a complying development certificate or development application.
- (3) Modifying the Preferred Project Report to:
 - Introduce new Statements of Commitment to require Stockland to create restrictive covenants on allotments to reflect primary built form controls relating to setbacks and the Design Guidelines.
 - Amend Section 4.3 to clarify the operation of the Exempt and Complying Development Controls as proposed as part of this Section 75W modification.
 - Amend Section 5 to reflect the approvals process for subsequent applications to reflect the framework proposed in this Section 75W modification.

3.2 Approvals to be modified

The details of the Concept Plan approval to be modified are as follows:

- Major Project No: 06_0060
- Proponent: Stockland Developments Pty Ltd
- Determination date: 25 January 2007

This application to modify the above approval is lodged on behalf of the proponent, Stockland Developments Pty Ltd. A letter of authorisation from the proponent is attached.

3.3 Modifications Proposed to Concept Plan Approval

The application seeks to modify the following elements of the Concept Plan Approval.

- (1) Modify Schedule 1 - Conditions of the Concept Plan
- (2) Modify Schedule 2 – Modifications to the Concept Plan

3.3.1 Modification to Schedule 1 of Concept Plan Approval

The conditions of the Concept Plan approval as contained in Schedule 1 are proposed to be modified as follows:



- Insert the following at the end of Condition A2(1)
 - (i) *Future housing on each residential lot.*
- Condition A3(2)(a) to be amended to read as follows:
 - (a) *Preferred Project Report including Revised Statements of Commitment prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by:*
 - (i) *Don Fox Planning Pty Ltd dated August 2007 and*
 - (ii) *Don Fox Planning Pty Ltd dated November 2007.*
- Part C – Definitions is amended by inserting in alphabetical order the following

Exempt Development and Complying Development have the same meaning as defined in the Act

A copy of the amended Preferred Project Report and revised Statements of Commitment is attached at **Appendix B**. The amended Preferred Project Report incorporates the approved amendments to the Preferred Project Report prepared by Don Fox Planning Pty Ltd dated 20th August, 2007 in relation to the Display Village Section 75W application.

A copy of the proposed exempt and complying development controls are attached at **Appendix C**.

3.3.2 Modification to Schedule 2 of Concept Plan Approval

Schedule 2 – Modification of the Concept Plan is proposed to be modified as follows:-

- Insert the following at the end of Modification B2, Schedule 2:-

B3 Dwelling Houses

 - (1) *In accordance with Section 75P of the Act, future applications for dwelling houses (including alterations and additions) on single lots shall either*
 - (a) *Obtain a Complying Development Certificate under Part 4 of the Act which complies with the Exempt and Complying Development Standards contained in Annexure 4 of the Preferred Project Report as amended by Don Fox Planning Pty Ltd dated November 2007; or*
 - (b) *Obtain development consent under Part 4 of the Act by submitting a development application to Shoalhaven City Council.*
 - (2) *In determining a development application under Part 4 of the Act, the consent authority shall take into consideration:*
 - (a) *the Design Guidelines referred to in the Preferred Project Report prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007 and as further amended by Don Fox Planning Pty Ltd dated November 2007; and*



- (b) *Shoalhaven Development Control Plan No.91 – Single Dwellings and Ancillary Structures- Minimum Building Requirements; and;*
- (c) *Written correspondence from Stockland confirming that the proposed dwelling house meets the Design Guidelines prepared by Stockland.*

In the case of any inconsistency, the Design Guidelines prepared by Stockland shall prevail.

- (3) *In determining a Complying Development Certificate under Part 4 of the Act, the accredited certifier shall ensure that:*
 - (a) *the development complies with the Exempt and Complying Development Controls for Vincentia Coastal Village prepared by Don Fox Planning dated November 2007; and*
 - (b) *the applicant or owner has obtained written correspondence from Stockland confirming that proposed dwelling house meets the Design Guidelines prepared by Stockland*

4.0 ASSESSMENT OF MODIFICATION

The proposed modification is assessed with regard to both whether the proposal as modified remains consistent with the proposal as originally approved and the acceptability of any environmental impacts arising as a consequence of the modification.

4.1 Benefits of Complying Development

Exempt and Complying Development controls are generally applied to common or routine development types where the impacts are minor. Many of the wider environmental impacts of the residential subdivision have been addressed through the Concept Plan and Project Applications process with mitigation measures built in where necessary.

The set of development standards approved as part of the Preferred Project Report are proposed to be amended and substituted with a more comprehensive set of controls which follows the form of the Shoalhaven Development Control Plan (DCP) No. 89 - Exempt and Complying Development. The document will simply be known as “Exempt and Complying Development Controls – Vincentia Coastal Village”. DCP 89 will be amended to:

- (i) Retain exempt development as it relates to residential development to ensure these provisions will continue to apply after dwelling houses have been constructed;
- (ii) Replace the *Houses and Extensions* development type in Schedule 2 of the DCP and insert in their place design controls which are an update of those controls contained in Appendix 4 of the approved Preferred Project Report. The design controls will provide further clarity and direction in terms of the built form outcome. These controls will operate to ensure that the design and scale of housing will achieve the desired streetscape and urban character. The built form outcome and future character of the residential subdivision will therefore not be compromised by the application of complying development. Further discussion regarding environmental impacts is provided later in this submission;
- (iii) Retain other forms of complying development such as bed and breakfast accommodation, and ancillary structures (carports, pergolas etc) so that complying



development for these forms of development will continue to apply after the dwelling houses have been constructed; and

- (iv) Amend the provisions relating to exempt and complying development to reflect the future residential development. This has involved a review of the criteria in Tables 1 and 2 of the DCP as they relate to the application of the DCP.

The use of exempt and complying development has a distinct advantage of providing an incentive to future landowners to fit within the Design Guidelines to achieve speedy approvals as non-complying development will take the more lengthy development application approvals process.

The use of complying development for such a new housing estate is eminently sensible and appropriate as future dwellings will fit within a Masterplan where later relationship issues have been substantially addressed and an architectural framework established. The complying development procedure enables a quicker approval processes and is therefore consistent with the Department of Planning objectives in this regard and the Department's intentions to make greater use of this approval process.

4.2 Consistency with original approval

The proposed modification does not alter the principal nature of the approved development or the intent of the original application to use complying development provisions for single dwelling houses but is intended to provide greater clarity and certainty. The documentation considered as part of the Concept Plan and Project Approvals intended the use of Complying Development and contained a set of Complying Development Standards (Annexure D) and Design Controls and Requirements (Annexure B) which were incorporated in the Preferred Project report and Statements of Commitment, and formed part of the Concept Plan and Project Approvals. However, it is not clear as to whether the legislative mechanism to effect the intent has been formally activated. Further the Section 75W modification process provides the opportunity to refine the complying development provisions and Design Guidelines.

In addition, the Statements of Commitment (Item 15) also intend that owners obtain a Complying Development Certificate from Shoalhaven City Council or an accredited certifier.

The legislative mechanism is proposed to be established through the use of Section 75P(2)(d) of the Act which allows the Minister to make an order to declare part of a project (in this case dwelling houses and ancillary development) exempt development or complying development. The proposal therefore does not alter the nature of the approved Project.

The Complying Development Standards approved as part of the Project have been further revised and expanded to incorporate exempt development provisions. These controls guide the siting and architectural form of dwelling houses. The Design Guidelines will be prepared to guide architectural detail, materials, colours and landscape design. The Design Guidelines will be finalised prior to the release of the first construction certificate for each stage, consistent with Statement of Commitment No. 15 of the Project approval. The Complying Development Controls and Design Guideline will direct the desired built form of dwelling houses and future character for the residential area and will not undermine or dilute the controls originally approved.

4.3 Environmental Impacts

The Concept Plan and Project Application approvals have assessed environmental impacts of the residential subdivision particularly in relation to flora and fauna, water management,



bushfire management, tree protection, social infrastructure and economic impacts. Mitigation measures are either built into the approved design or through the Statements of Commitment. The use of exempt development and complying development approvals process for dwelling houses will not create further impacts nor undermine the mitigation measures built into the subdivision design. The street hierarchy, street pattern and landscape character in the public realm is similarly unaffected.

State Environmental Planning Policy No. 71 – Coastal Protection has been addressed as part of the Concept Plan and Project Application approval process. The environmental and urban design issues of the subdivision have all been addressed and the use of complying development will therefore not conflict with the objectives of SEPP 71.

The complying development standards and Design Guidelines approved with the Concept Plan and Project Application will be modified to provide greater control in terms of the built form and therefore the future character of the Vincentia Coastal Village.

The revised exempt and complying development standards and Design Guidelines will ensure that future dwellings are consistent with the State Government Coastal Village Guidelines by controlling scale, height, setbacks, landscaping, parking, materials and colours. The proposed use of the complying development approvals process will therefore be appropriate in the context of the Coastal Village Guidelines.

In addition, the approved Statements of Commitment (Item 15) requires,

“Stockland will create a restrictive covenant on the title to the lot which will require owners to submit plans to the Stockland Design House to demonstrate compliance with the Built Form Controls before lodging a plan with Shoalhaven City Council or obtaining a Complying Development Certificate.”

This Statement of Commitment provides an additional design check giving greater certainty in terms of consistent design further justifying the appropriateness of using complying development in this circumstance. A greater level of certainty, or better outcome, will not necessarily be achieved through the development application process under Part 4 of the Act. This Statement of Commitment is also proposed to be amended to apply to development applications for those dwelling house designs that do not meet the complying development standards. In these circumstances, the plans will still be endorsed through Stockland Design House, as well as the development application process through Shoalhaven City Council which will require full environmental assessment having regard to the provisions of Section 79C(i) and (iii) of the Act including SEPP 71 and the Coastal Design Guidelines.

5.0 SUMMARY AND CONCLUSION

The proposed modification to the Concept Plan and Project Approvals is submitted in accordance with Section 75W of the Act, to provide greater certainty and clarity in regard to the operation of Exempt Development and Complying Development provisions for future dwelling houses and more detailed complying development standards and Design Guidelines. The documentation originally submitted with the applications considered by the Department of Planning provides various references to the intended use of Complying Development for future dwelling houses and consistency with the intentions of the original applications is maintained.

The use of exempt development and complying development provisions does not result in any environmental impacts or put at risk the built form outcome. The complying development standards and design controls together with the endorsement process through Stockland



Design House will ensure an acceptable built form outcome and character appropriate for the Coastal Village location.

Stockland also request that the Minister exercise his powers under Section 75P(2)(d) of the Act to declare:

- (i) dwelling houses, including alterations and additions, as complying development, for the purposes of the Act; and
- (ii) minor development ancillary to a dwelling house as exempt development for the purposes of the Act.

The development will accordingly remain consistent with the terms of the existing Concept Plan and Project Approvals and can therefore be appropriately approved in accordance with Section 75W of the Act.

Yours faithfully

DON FOX PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'D. Kettle', written over a horizontal line.

DAVID KETTLE
SENIOR TOWN PLANNER

Reviewed: _____

A handwritten signature in black ink, appearing to read 'Michael', written over a horizontal line.

dkettle@donfoxplanning.com.au

- Encl.
- A Letter of authorisation from Stockland
 - B Proposed Modification to Preferred Project Report and Revised Statements of Commitment
 - C Proposed Exempt and Complying Development Controls.

cc Mr Michael Drum (Stockland)



town planners

APPENDIX A



7th November 2007

Stockland Development Pty Limited
ABN 71 000 064 835

Paul Grech
Director
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Dear Paul

Re: Vincentia Coastal Village S75W Modification

This letter is to confirm Stockland provides consent for Don Fox Planning to lodge an application to modify the Concept and Project Plan approval for our Vincentia project.

If you have any further questions or comments in relation to this matter, please do not hesitate to contact me.

Kind Regards



Michael Drum
Development manager



town planners

APPENDIX B



town planners

**CONCEPT PLAN FOR VINCENTIA COASTAL VILLAGE
AND
PROJECT APPLICATION FOR 604 LOT SUBDIVISION**

MAJOR PROJECTS MP 06_0060 & MP 06_0058



**AMENDED
PREFERRED PROJECT REPORT AND
REVISED STATEMENT OF COMMITMENTS**

Prepared by: Stockland Developments Pty Ltd
Date: December 2006

Amendments by: Don Fox Planning Pty Ltd
On behalf of: Stockland Developments Pty Ltd
Date: August 2007

Amendments by: Don Fox Planning Pty Ltd
On behalf of: Stockland Developments Pty Ltd
Date: November 2007



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Version	Issued To	Qty	Date	Reviewed
Draft	Project Manager	1	26/10/07	David Kettle
Draft	Stockland	1 pdf	26/10/07	David Kettle
Draft	Project Manager	1	30/10/07	Paul Grech
Draft	Department of Planning	1 pdf	31/10/07	David Kettle
Final	Department of Planning	5	19/11/07	David Kettle
	Stockland	1		

PREFERRED PROJECT REPORT

1. INTRODUCTION

Stockland has considered the submissions received during the exhibition of the Vincentia Coastal Village project and concept plans and the following changes have been made to the statement of commitments to further reduce the environmental impacts. Stockland has also made changes to the Statement of Commitments to reflect the negotiations with Council. The Vincentia Coastal Village project and concept plans as exhibited, with the following changes comprise the Preferred Project.

Separate responses have been made to the matters raised in the written submissions received by the Department of Planning, which are set out in Parts 1 to 3 of this response documentation.

2. PROJECT MODIFICATION

An approval may be sought in the future within the residential subdivision for adaptable housing, as shown on the concept plan. Adaptable housing includes seniors housing as defined in Schedule 1 of the *Standard Instrument (Local Environmental Plans) Order 2006*. Any application will be a subsequent Project Approval to this approval to be lodged at some stage in the future. The subsequent approvals process is set out in section 5 of this preferred project report.

Project approval is sought for the Built Form Controls set out in attachment 2 that forms part of this preferred project report.

Project approval is sought for the construction and operation of a Display Village for Stage 1 of the residential development in accordance with the revised statement of commitments (as amended).

The plan has been modified by altering the perimeter road pattern so that the area required for the APZ is predominantly incorporated in the road reservation and residential lot. The modification does not extend beyond the development area proposed as part of the original application.

3. REVISED STATEMENT OF COMMITMENTS

Table 1 sets out the revised statement of commitments, in response to the matters that were raised during the consultation period.

Table 1 Statement of Commitments

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
1	Scope of Development	Stockland will carry out the development in accordance with the Environmental Assessment report prepared by ERM January 2006, plans in the Appendix of the EAR and supporting reports, except where amended by other items of this Statement of Commitments.	Stockland	For the duration of subdivision	
2	Statutory Requirements	<p>Stockland will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> • Construction Certificates for engineering works (including earthworks, soil and water management, clearing, roadworks, drainage, landscape, water supply, and sewerage) for each stage of the subdivision; • Construction Certificates for the Display Village within Stage 1; • Subdivision Certificates for each residential stage; • Roads and Traffic Authority Road Occupancy Licence; • Road Opening Permit; • Section 138 Consent for roadworks (Roads Act 1993); • Integral Energy Design Certification; • Integral Energy notification of Arrangement; • Telstra Compliance Certificate; • Shoalhaven Water Compliance Certificate; • Department of land and Property Information registration of the subdivision 	Stockland	Prior to the construction and registration of each stage within the development, and as required from time to time.	Amended 8 October 2007
3	Conveyancing	Stockland will prepare a final plan of subdivision and Section 88B instrument for each stage of the development. The Section 88B Instrument will provide easements for utility services that encroach onto private land or public reserves, and APZs on private land. The Section	Stockland	Prior to the registration of allotment within each stage of the development.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		88B instrument will require bushfire fuel management of the APZ on private allotments.			
4	Public Open space	Areas to be dedicated as public reserves will be embellished by Stockland in accordance with the principles of the landscape masterplan and documented in the detailed landscape design plans to be approved by Shoalhaven Council as part of the Construction Certificate.	Stockland and Shoalhaven City Council	Prior to release of Construction Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
5		Stockland will provide additional <i>Allocasuarina Littoralis</i> trees as part of the detailed landscape design plans to provide feeding habitat for the glossy black cockatoo.	Stockland	Prior to release of Construction Certificate by the Shoalhaven City Council or accredited certifier for the relevant stage.	
6		Stockland will recycle timber as mulch throughout the landscape strategy.	Stockland		
7		A landscaping plan will be prepared and implemented generally in accordance with the landscape masterplan prepared by Clouston Associates and include the use of local provenance trees and, <i>Allocasuarina Littoralis</i> as detailed in the landscape masterplan.	Stockland	Prior to the construction of each stage of the subdivision.	
8 (a)	Public Open Space Management and Maintenance	Stockland will remain responsible for the maintenance of public open space containing water sensitive urban design structure (WSUD) and bushfire asset protection zones (APZs) where they occupy the same area, for 3 years for each stage containing the WSUD structures. The WSUD infrastructure will be located within the public road reserve and thus will be dedicated as public land at nil cost to Council upon registration of the linen plan.	Stockland	To be maintained by Stockland for 3 years for each stage containing the WSUD.	
8(b)		The APZ with in the roads widening zone along Naval College Road will be dedicated to Shoalhaven City Council.	Stockland and Shoalhaven City Council	Prior to the release of the Construction Certificate by the Shoalhaven City Council or accredited certifier for Stage 1.	
8(c)		Stockland will test the WSUD devices prior to handover of maintenance responsibility to Shoalhaven City Council to confirm that they are operating in accordance with the design. If the tests indicate that maintenance is required, Stockland will undertake the necessary remedial action to ensure at its cost that the WSUD devices are operating in accordance with the design.		Prior to handover of maintenance responsibility to the Shoalhaven City Council	
9	Tree Management	Stockland will identify on engineering plans submitted with the Construction Certificate Application all trees to be retained within the proposed public roads and reserves with the development. Stockland will provide an arborist report for the trees to be retained near public and private assets which identifies the species and condition of the tree and	Stockland	Prior to the release of the Construction Certificate by the Shoalhaven City Council or accredited certifier for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		any remedial works required to render the tree appropriate for retention in the urban environment. All trees that are unsuitable for retention or are unable to be retained due to the provision of services and infrastructure will be removed and mulched on site.			
10	Construction	<p>Stockland will prepare a Construction Management Plan that will include:</p> <ul style="list-style-type: none"> • an education strategy for construction contractors; • description of the work program outlining relevant timeframes for activities. • details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. • description of the roles and responsibilities for all relevant employees involved in the construction phase. • details of the environmental management procedures, monitoring and reporting requirements during the construction or operation phase. • details as to what incident management procedures will be undertaken during construction or operation • the minimisation of rubbish and debris at the site from development activities during the construction phase. 	Stockland	Prior to the commencement of construction of stage 1, and updated prior to the commencement of construction for each stage of the subdivision.	
11		Stockland will repair any defective workmanship in each stage of the residential subdivision for a defects liability period of 12 months from the date of registration of the final plan of subdivision for that stage.	Stockland	For a period of 12 months from the date of registration of the final plan of subdivision for each stage.	
12		Stockland will prepare work as executed plans for construction work in each stage and provide such plans to Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
13		Stockland will prepare works as executed plans in a format compatible with the geographic information system (GIS) of the Shoalhaven City Council to assist with the Council asset management database.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
14	Design	Design Guidelines will be prepared by Stockland and implemented for the residential lots through the use of a restrictive covenant on the titles to the lots. The Design Guidelines will be generally in accordance the	Stockland	Prior to the release of the Construction Certificate by Shoalhaven City Council or	Amendment proposed November 2007

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		attached Design Guidelines and specify: <ul style="list-style-type: none"> • building setbacks; • APZ setbacks where necessary; • architectural form; • architectural detail; • landscape design. 		accredited certifier for each stage.	
15		Stockland will create a restrictive covenant on the title of each residential lot which will require owners to submit plans for dwelling houses to the Stockland Design House to demonstrate compliance with the Design Guidelines before lodging a Development Application with Shoalhaven City Council or obtaining a Complying Development Certificate.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amendment proposed November 2007
15(a)		Stockland will create a restrictive covenant on the title of certain residential lots to identify: <ul style="list-style-type: none"> • lots that have zero lot lines • lots that have a primary building line, secondary building line, or rear setback that differs from the respective controls stipulated in the Complying Development Controls The instrument will identify both Stockland and Shoalhaven City Council as a benefiting party.		Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amendment proposed November 2007
15(b)		Stockland will create a restrictive covenant on the title of all residential lots to require dwellings to be generally consistent with the Design Guidelines prepared by Stockland with both Stockland and Shoalhaven City Council identified in the instrument as a benefiting party		Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
16(a)	Fire Management	Stockland will establish Asset Protect Zones (APZs) in accordance with the Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential allotments for maintenance by lot owner. APZ within the public open space containing WSUD will be dedicated to Shoalhaven City Council, as part of the WSUD infrastructure. Only fire retardant, low maintenance species which have limited growth height at maturity will be planted in the APZs.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
16(b)		The APZ for the adaptable housing area is to be determined as part of any future project approval application.	Stockland	As part of the project approval application for the adaptable housing area	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
17		Stockland will install fire hydrants in accordance with Australian Standard S2419.1-1994. Hydrants will be made accessible and located so that a tanker can park within a distance serviceable by a 20 metres hose and that all houses are within 70 metres of a hydrant	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
18		Fuel management within the Asset Protection Zones and Asset Protection Zones maintenance plans will be in accordance with Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential allotments.	Stockland and Shoalhaven City Council	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
19	Ecological Management	Stockland will introduce a covenant on the titles to the lots that stipulates the banning of all cats from the development	Stockland and future land owners	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
20	ENVIRONMENTAL CORE LAND	Weed Management			
		Stockland will prepare a weed management plan for the core environment area that addresses: <ul style="list-style-type: none"> a resident education strategy; identification of invasive weeds; monitoring of exotic plant distribution and effectiveness of management controls, particularly adjacent to the Jervis Bay National Park. 	Stockland in consultation with DEC. Responsibility for implementing the weed management plan will be vested with the landowner.	Within six months of the release of the subdivision certificate for stage 1.	
21		Vegetation Management			
(a)		Stockland will prepare a vegetation management plan for land in the core environment area that addresses monitoring of: <ul style="list-style-type: none"> rare and threatened communities and species; threatening processes associated with changed in habitat conditions. <p>The vegetation management plan will include a movement management plan which addresses the design, type, location, management and restriction of access through the land in the core environment area.</p>	Stockland in consultation with DEC Responsibility for implementing the vegetation management plan will be vested with the landowner and annual monitoring	Within six months of the release of the subdivision certificate for stage 1. Annual monitoring shall occur for a period of 5 years from the completion of the vegetation management plan.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
			shall be reported to DEC.		
21(b)		Stockland will prepare a fire management plan for the environmental core land.	Stockland in consultation with DEC and the RFS Responsibility for implementing the fire management plan will be vested with the landowner.	Within 6 months of release of subdivision certificate for stage 1.	
22		Stockland will prepare an Asset Management Plan for public open space (including public reserves, WSUD and APZs) that will be dedicated to the Shoalhaven City Council.	Stockland in consultation with the Shoalhaven City Council	Prior to dedication of open space to the Shoalhaven City Council.	
23		Stockland will fence the interface boundary between the environmental lands and the outer edge of the APZ with a fence of post and wire construction to the height of an Australian Standard pool rated fence. The fence will be constructed stage by stage.	Stockland	The fencing to be completed within six months of the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
24		Stockland will provide temporary fencing around each stage of development until the adjacent stage has been developed.	Stockland	During construction of the stage of development, and will remain in place until the adjacent stage has been developed.	
25		Stockland will retain ownership and maintenance responsibility for the environmental core land under its current zoning in accordance with the appropriate management plans until such time that the land can be transferred to an agreed entity to manage the environmental lands.	Stockland	Upon commencement of work on the site, with the appropriate entity being identified prior to the completion of the project.	
26		Stockland will prepare and implement restoration for the scald area within the Jervis Bay Orchid habitat north of the District Town Centre, in consultation with DEC and relocate the existing Bay and Basin Leisure Centre access as part of the future approval of the village east area. A 25 metres buffer will be provided from the identified Jervis Bay Leek Orchids as shown on Drawing No 104016-71-SK 01_P0 prepared by Forbes Rigby Pty Ltd.	Stockland in consultation with DEC	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier that creates the core environment land.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
27		Stockland will provide flora and fauna interpretive signage along the boundary of the residential subdivision and the environmental core land.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for the final stage.	
28	Flooding	Stockland will create flood free building envelopes for all residential allotments in the subdivision.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for each stage	
29		Stockland will provide safe vehicular ingress and egress for all residential allotments in the 1% AEP flood event.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for each stage	
30	Water Supply and Quality Management	Stockland will design and install water quality control measures in accordance with the principles of the Water Sensitive Urban Design Study report prepared by Forbes Rigby, January, 2006 and modified in accordance with the attached Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) and Construction Certificate Plans and include: Bio retention swales, detention ponds and artificial wetlands to be located in the APZ and Gross Pollutant traps.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
31		Stockland will collaborate with the Shoalhaven City Council to establish the agreed detailed design of the WSUD and maintenance thereof.	Stockland in consultation with the Shoalhaven City Council	During the detailed design of the WSUD, and to be agreed prior to the transfer of the infrastructure in accordance with item number 8 above.	
32		Stockland will prepare a soil and water management plan to control run off during construction in accordance with the principles of the Water Sensitive Urban Design Study report prepared by Forbes Rigby, January, 2006 and modified in accordance with the attached Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) the Landcom publication Managing Urban Stormwater (MUS): Soils and Construction Volume 1, 4 th Edition, approved Construction Certificate Plans and DCP100.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Construction Certificate by Shoalhaven City Council or accredited certifier for each stage.	
33(a)		Stockland will remain responsible for the maintenance of public open space containing water sensitive urban design structure (WSUD) measures for 3 years for each stage containing the structures. At that time testing will be conducted to confirm the infrastructure is operating in accordance with the design. When confirmed the maintenance of stormwater quality control measures will be transferred to the Shoalhaven City Council.	Stockland	To be maintained by Stockland for 3 years for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
33(b)		Stockland will test the WSUD devices prior to handover of maintenance responsibility to Shoalhaven City Council to confirm that they are operating in accordance with the design. If the tests indicate that maintenance is required, Stockland will undertake the necessary remedial action to ensure at its cost that the WSUD devices are operating in accordance with the design.		Prior to handover of maintenance responsibility to the Shoalhaven City Council	
34		Stockland will contribute \$150,000 to the Shoalhaven City Council for the future maintenance of the WSUD devices.	Stockland	To be made at the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for the first residential stage	
35	Social	Stockland will prepare a community development program which will include: <ul style="list-style-type: none"> welcome initiatives for residents of the subdivision and provide local information; consultation with the new community in regards to planning and development of future stages; opportunities for resident involvement in environmental restoration and maintenance initiatives; a Feral and Domestic Animal Management Plan that includes a resident education strategy to recognise the importance of dogs being kept on a lead and out of conservation areas community education in regards to recycling initiatives 	Stockland	Prior to the sale of residential lots in stage 1.	
36	Cultural Heritage	Stockland will ensure all artefacts retrieved during the excavations of Site #58-2-0392 and Site #58-2-0393 will be retained in consultation with the Jerrinja community.	Stockland in consultation with the Jerrinja	During construction of any stage of the development.	
37		Stockland will inform the Jerrinja Local Aboriginal Land Council of progress of the development.	Stockland	Ongoing through the construction of the subdivision.	
38		Stockland will engage the local community and facilitate employment opportunities where possible between contractors and Jerrinja Aboriginal community.	Stockland	Ongoing through the construction of the subdivision.	
	Infrastructure	Reticulated Services			
39		Stockland will provide reticulated water supply, sewerage and underground electricity to each residential lot.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
40		Stockland will provide a reticulated water connection to each public reserve.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
41		Stockland will relocate existing high voltage electricity cables parallel to Naval College Road where they conflict with the development footprint.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
42		Stockland will relocate existing high voltage electricity cables along Moona Creek Road where they conflict with the proposed road realignment.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
43		Stockland will provide for infrastructure services generally in accordance with Drawing Number 4105 rev 2 Electricity, Telecommunications and Interallotment Drainage Concept Plan, Drawing Number 4103 rev 2 Sewer Reticulation Concept Plan and Drawing number 4104 rev 2 Water Reticulation Concept Plan prepared by Forbes Rigby Pty Ltd.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
44		Stockland will relocate the existing sewerage rising main and treated effluent transfer main where they conflict with the development footprint.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
45		Stockland will provide a minor system street drainage network designed to accommodate the 20% AEP storm event in accordance with design plans approved in the Construction Certificate.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
46		Stockland will provide a major system street drainage network designed to accommodate the 1% AEP storm event in accordance with design plans in the Construction Certificate.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier or each stage.	
47		Stockland will bear the cost of the relocation of utility services required as a result of construction of the development.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		Roads			
48a		Stockland will complete an initial concept design for all works (Naval College Road and The Wool Road) including all paths / cycleway works.		Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 1.	
48b		The full suite of road design for all works (Naval College Road and The Wool Road) including all path / cycleway works must be completed and approved by Shoalhaven City Council prior to the occupation of Stage 1 of the District Centre.	Stockland	Prior to occupation of Stage 1 of the District Centre	
48c		Stockland will design and construct signalised intersection of The Wool Road, the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School.	Stockland	Prior to the occupation of the first stage of the District Town Centre or prior to the construction certificate of village east, which ever is first.	
49		Stockland will design and upgrade The Wool Road to four lanes from the intersection with the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School to Naval College Road.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
50		Stockland will remove the existing pavement from the current access to the Bay and Basin leisure centre and rehabilitate.	Stockland	At the completion of the construction of item 49C	
51		Stockland will design and upgrade the roundabout at the Naval College Road and the Wool Road intersection to two lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
52		Stockland will provide a proportional contribution towards the upgrade of the Wool Road southwest of Naval College Road where it can be demonstrated by traffic counts together with projected traffic from the following stage that the district centre has or is likely to affect traffic volumes to the point where a level of service D cannot be achieved. Traffic volumes to be measured at a point approx 500m west of the Naval College Road/Wool Rd roundabout and between the proposed school and the roundabout on the Wool Rd.	Stockland	To be assessed at each stage of the District Town Centre.	
53		Stockland will design and construct a roundabout with a non mountable central island intersection at Access A along Naval College Road to AUSTROADS standards, including approach and departure lanes.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 9.	
54		Stockland will design and construct the 80km/hr full channelised stop-sign controlled intersection at Access B along Naval College Road to AUSTROADS standards, including approach and departure lanes ensuring that adequate sight distance is provided, which may require realignment of Naval College Road. Appropriate signage is to be	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 1.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		installed north of intersection A to forewarn of the changed traffic conditions and intersection at B. Once intersection A is constructed the above signage can be removed.			
55		Stockland will design and construct a roundabout with non mountable central island intersection at Access C along Naval College Road to AUSTROADS standards, including approach and departure lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre or residential stage 6 whichever is sooner.	
56		Stockland will design and construct the signalised intersection at Access D along The Wool Road, including the approach and departure lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
57		Stockland will design and upgrade Naval College Road between The Wool Road intersection and Access C to four lanes, including road widening for setbacks.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
58a		Stockland will design, realign and upgrade Naval College Road between Access C and Access B to two lanes and 80km/hr AUSTROAD standards.	Stockland	In conjunction with provision of access C (item 56).	
58b		Stockland will design, realign and upgrade Naval College Road between Access B and Access A to two lanes and 80km/hr AUSTROAD standards.	Stockland	In conjunction with provision of access A (item 54).	
59		Stockland will design and construct the Naval College Road pedestrian / cycleway underpass with a 50% contribution from Council as Section 94 offset in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006 and as modified in October 2006 as part of the Preferred Project Report.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
60		Stockland will design and upgrade the existing track between the northern end of the newly formed Moona Creek Road within the site and the western end of the existing formation of Berry Street as a shared footpath / cycleway. The upgrade will include regrading the existing vehicular track, formalising table drains and minor relief drainage, trimming of vegetation as necessary and construction of a 2 metre wide bitumen pavement.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 4.	
61		Stockland will relocate existing unformed public roads to suit the subdivision layout at nil cost and nil compensation to state or local government. Stockland fund all of the cost related to the road closures.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
62		Stockland will design and construct flexible road pavements in accordance with the Australian Road Research Board design criteria and Shoalhaven City Council DCP 100.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
63		Stockland will design and construct rigid road pavements in accordance with the Cement and Concrete Association design guidelines.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
64		Stockland will ensure that the AUSTROADS Design Service Vehicle (8.8 metre rigid) can negotiate all public roads and intersections and that the AUSTROADS Long Rigid Bus (14.5metre) can negotiate all bus routes.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
65		<p>Stockland will design and construct foot and cycle paths as documented in the EAR including:</p> <ul style="list-style-type: none"> continuing the shared foot and cycle path network to connect with the proposed underpass at Naval College Road and the existing pedestrian network including a safe crossing facility across The Wool Road; Shared foot and cycle paths to all be at a width of 2.0m; Main east – west footpath to the District Centre from residential stages 6 & 8 to be a shared foot and cycle path at a width of 2.0m. 	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
66		Stockland will provide parking bays within the road reserve of the ridge and connector roads at a rate of one per two dwellings.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
67		Stockland will provide street signs for each new public road in accordance with the requirements of the Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
68	Geotechnical	Stockland will provide a lot classification geotechnical report to Shoalhaven City Council for each stage of development prior to the release of the final plan of subdivision for that stage.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
69	Staging	Stockland will construct the subdivision in accordance with the Proposed Staging Plan prepared by Forbes Rigby, 2006 or as otherwise approved in Construction Certificate plans approved by Shoalhaven City Council or accredited certifier.	Stockland	For all stages of the development.	
70		Stockland commits to construct stage 1 of the District Town Centre in accordance with the staging plan submitted as part of the preferred project (drawing Number A009 dated 24 May 2006) or as otherwise approved by consent in the project approval for the development.	Stockland	Submission of Project Approval Application	
71		Stockland commits to submitting a project approval application for adaptable housing within 12 months of obtaining Concept approval for adaptable housing, should it be determined appropriate.	Stockland	Submission of Project Approval Application	
72	Monitoring	Stockland will undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following the registration of the final subdivision plan for the final stage that drains into the monitoring location.	Stockland	For a period of three years following the registration of the final plan of subdivision for each stage.	
73		Stockland will undertake a weed monitoring program in accordance with the Weed Management Plan during the maintenance period.	Stockland	For a period of two years following the registration of the final plan of subdivision for each stage.	
74	Developer Contributions	Stockland will pay Section 94 developer contributions in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006, and as modified in October 2006 as part of the Preferred Project Report which forms part of the EAR on a "per ET" basis for each stage of the residential subdivision at the rate applicable at the time of payment, except for project 03 CFAC 0003 (Amendment 67 – Bay & Basin Recreation & Cultural Hall) which is a fixed amount of \$3,656 that would then fully recoup the developer share for that whole project.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage of the residential subdivision and the Construction Certificate for each stage of the District Town Centre.	
75		Stockland will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
76	Display village	Stockland will design, construct and operate a housing display village in Stage 1 of the residential subdivision.	Stockland	As soon as practicable, coordinated so that operation commences after suitable vehicular access is	Amended 8 October 2007

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<ul style="list-style-type: none"> The design and siting of the display village will conform with the following: <ul style="list-style-type: none"> The display village will be confined to proposed Lots 110 to 121. Be generally consistent with the display village Concept Plan prepared by Annand Alcock Urban Design included as Part 4 Annexure B of the Preferred Project Report. Each of the display homes are capable of complying with all requirements of the Concept Plan and Project Approval prior to registration of the allotments and occupation for residential purposes. All display homes will comply with the built form controls and design guidelines contained in Part 4 Annexure B of the Preferred Project Report, except the requirement for a rainwater tank. The total display office area will be contained within a maximum of one storey in height, will not exceed 100m² in gross floor area, and will be generally consistent with the Sales Centre Plans prepared by Stockland Property Trust dated 1 February 2004, Drawing No. 0803.00 05-07 and Martins Design Pty Ltd dated 1-3-04. The provision of a minimum of 26 car parking spaces inclusive of one space for persons with a disability, suitably sealed and marked, and compliant with AS2890(2002). The provision of utility services adequate for the operation of the display village inclusive of amenities for sales staff and customers, with provision to ensure full services can be connected to all lots prior to registration. Final plans, demonstrating compliance with the above requirements, together with a signage plan and landscape plan, shall be prepared and certified to be in accordance with the requirements of the Concept Plan and Project Approvals by a person authorized to issue a complying development certificate for housing in the Shoalhaven Local Government Area, prior to the issue of a Construction Certificate. Vehicular access to the display village will be established within the proposed public roads connecting to Naval College Road prior to commencement of operations. The hours of operation of the display village will be limited to 9am to 		<p>established. The operation of the display village will continue until such time as market conditions do not warrant such a village, or a maximum of 24 months after the registration of the final stage of the residential subdivision development.</p>	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<p>5pm, Monday to Sunday.</p> <ul style="list-style-type: none"> No display home will be occupied for residential purposes until after the cessation of the operation of the display village and registration of the lots and issue of Occupation Certificates. All display homes shall be subject to works to ensure compliance as required for use as a dwelling-house prior to occupation. The display office, car parking and any associated works not relevant to the long term residential occupation of the site will be decommissioned and works undertaken as required to render the proposed lots suitable for proposed residential occupation. 			
77	Signage	Stockland will provide estate marketing signs within The Wool Road and Naval College Road reserves in accordance with plans approved by Shoalhaven City Council as part of the Construction Certificate	Stockland		
78	Noise	Stockland will provide a 1.8 metre high timber noise attenuation barrier on a 0.7metres high landscaped earth mound along the boundary of Lots 154 to 163 and 725 to 733 in accordance with the Noise Impact Assessment by Heggies Australia, 2006, subject to such plans first being approved by Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
79	Road Widening	Land for Road Widening to be ceded to and at nil cost to the Council. Stockland to bear all costs to facilitate transfer of land.	Stockland	As soon as practicable after practical completion of the road widening construction works.	

4. DEVELOPMENT CONTROLS

4.1 Introduction

Pursuant to clauses 7 and 8 of State Environmental Planning Policy (Major Projects) the following provisions are to be inserted into Schedule 3 of State Environmental Planning Policy (Major Projects) and be the provisions that relate to the carrying out of the development on the site. For matters not included below the *Shoalhaven City Council Local Environmental Plan 1985* provisions will affect the land in the concept and project plans.

4.2 Zone and Land Use Table

The following sets out the land use tables and zones to apply to the site, which are in the format consistent with Schedule 1 in the *Standard Instrument (Local Environmental Plans) Order 2006*. The land use zoning is indicated on Plan the plan attached in Annexure 3.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Exempt Development, Roads

3 Permitted with consent

Bed and Breakfast accommodation; Boarding houses; Boat shed; Child care centres; Community facilities; Drainage; Dwelling houses; Environmental facility; Group homes; Home-based child care; Family day care home; Home occupation; Hostels; Market; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation facility (indoor); Recreation facility (outdoor); Residential care facilities; Residential flat buildings; Seniors housing; Shop top housing, temporary sales centre.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
 - To encourage employment opportunities in accessible locations.
 - To maximise public transport patronage and encourage walking and cycling.
-

2 Permitted without consent

Roads.

3 Permitted with consent

Business premises; Child care centres; Community facilities; Drainage; Educational establishments; Entertainment facilities; Environmental facilities; Food and drinks premises; Function centres; Information and education facilities; Market; Medical centre; Neighbourhood shop; Office premises; Passenger transport facilities; Place of public worship; Pub; Recreation facilities (indoor); Registered clubs; Retail premises; Service stations; Shop top housing; Take away food or drinks premise; Tourist and visitor accommodation; veterinary hospital.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of, centres.

2 Permitted without consent

Roads

3 Permitted with consent

Bulky goods premises; Business premises; Child care centres; Community facilities; Environmental Facilities; Food and drinks premises; Function centre; Hospital; Information and education facilities; Market; Medical centre; Neighbourhood shop; Office premises; Passenger transport facilities; Place of public worship; Pub; Recreation facility (indoor); Residential care facility; Retail premises; Service station; Take away food or drink premises; veterinary hospital; Warehouse or distribution centres.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

It is the intent of Stockland to retain the existing zoning over the core environment area until such time that it is transferred to the Department of Environmental and Conservation (DEC) or appropriate long term owner. It is the view of Stockland that the proposed final zoning of the land would be determined with the long term owner. It is anticipated that if the land is transferred to the DEC the appropriate zone is *Zone E1 National Parks and Nature Reserves*, which enables the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974*.

4.2 Subdivision

The consent requirements in clause in Schedule 1, in the *Standard Instrument (Local Environmental Plans) Order 2006* will apply to the land covered by the project and concept plans. Clause 19 *Minimum subdivision lot size* applies to a subdivision of any land that is carried out on land covered by the project and concept plans. The size of any lot resulting from any such subdivision of land is not to be less than 400 square metres.

Subdivision of any land into a lot less than 400 square metres is permissible only if the land is 3000 square metres or more and the subdivision is integrated with dwelling development.

4.3 Exempt and Complying Development

The exempt and complying controls set out in Exempt and Complying Development Controls – Vincentia Coastal Village Development (annexure 4) apply to the land covered by the project and concept plans with the following additions.

Display Village (which consists of a temporary business premises (sales office) and nine dwellings) is a complying development if:

- the display houses comply with the schedule included in annexure 4 of this preferred project report;
- the sales office is temporary and includes 30 cars parking spaces, including two disabled spaces.

Stockland propose to construct the Display houses prior to registration of the land. Approval is sought to allow construction of display houses within the Display Village, provided they meet the Exempt and Complying development requirements prior to registration of the land. An occupation certificate will not be issued on the homes until the subdivision has been registered.

4.4 Built Form Controls

Residential development within the residential subdivision shall be in accordance with Design Guidelines included in annexure 3 of this preferred project report. Stockland may update the Design Guidelines.

4.5 Definitions

The dictionary in Schedule 1, in the *Standard Instrument (Local Environmental Plans) Order 2006* defines words and expressions for the purpose of controls affecting the land covered by the project and concept plans.

5. SUBSEQUENT APPLICATIONS

Subsequent approvals required for the subdivision are set out below.

It is the intention of Stockland that Part 4A certificate: Subdivision certificates are issued by Shoalhaven City Council or an accredited certifier. It is also the intention of Stockland that the Minister for Planning is the consent authority to consider any modifications to the concept and project approvals.

The proposed approvals process for future development is set out below.

Future Development	Process	Consent Authority
Residential development and other permissible developments in the residential subdivision.	<ul style="list-style-type: none"> • Part 3A if the development meets state significant development criteria. • Exempt development if it meets the Exempt Development Criteria contained in Exempt and Complying Development Controls - Vincentia Coastal Village • Part 4 Complying development – if it meets the Complying Development Controls contained in Exempt and Complying Development Controls - Vincentia Coastal Village. . • Part 4 Development consent – if the development does not meet the standards included in the Complying Development Controls or Design Guidelines and is not state significant development. 	Minister for Planning Shoalhaven City Council or Accredited Certifier Shoalhaven City Council.
District Town Centre	<ul style="list-style-type: none"> • Part 3A – project approval 	Minister for Planning
Adaptable housing	<ul style="list-style-type: none"> • Part 3A – project approval 	Minister for Planning



town planners

APPENDIX C



town planners

EXEMPT & COMPLYING DEVELOPMENT CONTROLS

Vincentia Coastal Village



Prepared by Don Fox Planning Pty Limited

November 2007



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1.0 INTRODUCTION

Exempt development is development that must comply with relevant legislation, regulations and standards but is development for which consent from Council is not required. With the introduction of exempt development no approval will be required from Council provided your development meets the criteria for exemption.

Complying development is routine development which must be approved and you may choose whether to apply to Council or an accredited certifier for a Complying Development Certificate (CDC). Complying development must meet the predetermined standards listed in this plan. Once you have received your CDC you must also comply with the conditions of development consent listed in Part 3 of this plan when you carry out your development.

Note: Consent/approvals from other authorities under other legislation may also need to be obtained. For example, owners consent would need to be obtained from the Department of Lands for any proposed activities or development on Crown land – whether exempt or complying development.

1.1. What is this Plan Called?

The name of this plan is Exempt and Complying Development Controls – Vincentia Coastal Village.

1.2. What Land is Subject to this Plan?

- 1.2.1 This plan applies to land within the Local Government Area of Shoalhaven at the intersection of Wool Road and Naval College Road shown edged heavy black on the Map attached at Appendix C.

1.3. What are the Aims of this Plan?

The aims of this Plan are:

- 1.3.1 to detail circumstances when Council's approval is not required pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (EPAA) (that is exempt development); and
- 1.3.2 to detail circumstances when routine developments requiring Council's approval pursuant to the EPAA, may be dealt with quickly when they meet predetermined standards (**that is complying development**); and
- 1.3.3 to promote an integrated framework for dealing with applications for approval; and
- 1.3.4 to make Council's policies and requirements for approvals readily accessible and understandable to the public.

1.4. How Does this Plan Relate to Other Plans?

- 1.4.1 The zoning of the land identified in Appendix C is controlled through State Environmental Planning Policy (Major Projects) 2005.

- 1.4.2 These controls generally conform to the provisions of the following:

- Shoalhaven Local Environmental Plan 1985 (SLEP); and
- City of Shoalhaven Interim Development Order No. 1 (IDO); and
- Jervis Bay Regional Environmental Plan 1996 (JBREP); and
- Jervis Bay Settlement Strategy 2003 (JBSS); and
- South Coast Regional Strategy 2006-2031 (SCRS).

- 1.4.3 To encourage good overall design with proposals, persons considering development within Vincentia Coastal Village should also refer to other relevant DCPs, Codes or Policies of Council and Stockland Design Guidelines. Enquiries on relevant DCPs, Codes and Policies may be directed to Council's Development and Environmental Services Group and Stockland Design House.

2.0 HOW THIS PLAN WORKS

2.1 Application

- 2.1.1 This plan applies to exempt and complying development.

2.2 How to Use this Plan

In proposing development, the following steps should be followed:

Exempt and Complying Development

Exempt Development

- Step 1: check if your development is listed in Schedule 1 and meets the criteria for exemption; if yes

Step 2: check that your land is not excluded under Table 1; if no

Step 3: check that your development meets the requirements of Table 2; if yes

Step 4: proceed with your **exempt development**.

*Note: if you do not pass through steps 1–3 you cannot proceed to step 4 and you must lodge a development application with Council (refer to Council’s document entitled “**Applying for Development Consent**”) or, alternatively, consider whether or not your development is complying development.*

Complying Development

Step 1: check if your development is listed in Schedule 2 and meets the development standards applicable to that type of development; if yes

Step 2: check that your land is not excluded under Table 3; if no

Step 3: check that your development meets the requirements of Table 4; if yes

Step 4: lodge an application for a CDC with Council or an accredited certifier.

*Note: if you do not pass through steps 1–3 you cannot proceed to step 4 and you must lodge a development application with Council. Refer to Council’s document entitled “**Applying for Development Consent**”.*

In order to determine whether your development meets the criteria for exempt or complying development you must carefully work through the elements of these controls and study the requirements of the Tables to clause 4 (**What is Exempt Development?**) and the Tables to clause 5 (**What is Complying Development?**).

3.0 WHAT IS EXEMPT DEVELOPMENT?

3.1 Development of minimal environmental impact listed in Schedule 1 is exempt development, except as provided by Tables 1 and 2.

4.0 WHAT IS COMPLYING DEVELOPMENT?

4.1 Development listed in Schedule 2 is complying development if:

- a. It is local development of a kind that can be carried out with consent on the land on which it is proposed; and
- b. it is not an existing use as defined in section 106 of EPA Act; and ~~e.~~
- d. it is not carried out on land listed in Table 3; and
- e. it satisfies the requirements of Table 4.

4.2 An application for a complying development certificate must be accompanied by a waste minimisation and management plan (WMMP) prepared by the applicant in accordance with DCP 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier with appropriate accreditation prior to the issue of a CDC. The plan must relate to all phases of the development including demolition and excavation, construction of the new building and the normal operational phase of the development after occupation.

4.3A complying development certificate is taken to satisfy the requirements of an environmental planning instrument or tree preservation order for a consent, permit or approval to remove an exotic tree under 3 metres high if the complying development cannot be carried out without the removal of the tree.

4.3 A complying development certificate is subject to the relevant conditions as listed in Part 3 of Schedule 2 as in force when the certificate is issued.

5.0 PUBLIC NOTIFICATION

5.1 Applications for Complying Development will not be advertised.

TABLE 1 – Exempt Development

Development is *not* EXEMPT development if it is carried out on land that:

Other Acts and Government Authorities	<ul style="list-style-type: none"> (a) is a sensitive coastal location, or (b) is within coastal waters of the State, or (c) is land to which State Environmental Planning Policy No. 14 – Coastal Wetlands or State Environmental Planning Policy No. 26 – Littoral Rainforests applies, or (d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997, or (e) is land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or (f) is land identified in any environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or (g) is land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or (h) is land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or (i) is land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994, or (j) comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the Heritage Act 1977, or listed in Schedule 7 of Shoalhaven LEP 1985 or that is subject to an interim heritage order under the Heritage Act 1977.
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TABLE 2 – Exempt Development

Development is EXEMPT development only if it:

Statutory Requirements	<ul style="list-style-type: none">• is not designated development; and• is not prohibited by the provisions of any relevant environmental planning instrument; and• complies with the relevant requirements of this plan; and• complies with any “deemed to satisfy” provisions of the Building Code of Australia relevant to the development; and• complies with the restrictions-as-to-user on the title of the land where Stockland and/or Shoalhaven City Council is the authority to release, vary or modify the restriction; and• does not contravene any condition of Development Consent applying to the land; and• complies with Planning for Bush Fire Protection, December 2006 prepared by the NSW Rural Fire Service.
Licensing/approvals from government authorities	<ul style="list-style-type: none">• does not require a licence, permit or approval listed in Section 91 of the EPAA; and (Note 1)• does not require a licence under the Threatened Species Conservation Act, 1995 or Fisheries Management Act 1994; and
Building Lines and Setbacks	<ul style="list-style-type: none">• is carried out wholly within the property boundaries; and• is not carried out within 1m of any easement; and• complies with setbacks as stated in Council’s Building over Sewer Policy; and• complies with all relevant building lines and boundary setbacks; and• is carried out behind the rear alignment of any building on the site on which it is proposed to be carried out, if that site is located in a heritage conservation area identified by an environmental planning instrument or DCP; and
Access	<ul style="list-style-type: none">• has legal and practical access; and• does not restrict any vehicular or pedestrian access to or from the site; and
Stormwater	<ul style="list-style-type: none">• does not obstruct stormwater drainage of the site on which it is carried out; and
Pollution	<ul style="list-style-type: none">• does not interfere with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste, water grit or oil.

Note 1: Approval may be required under Section 91 of the EPAA for:

- An item or place on the State Heritage Inventory
 - Earthworks within 40m of a foreshore or a watercourse
 - Earthworks, hoardings or structures within a Crown Road
 - An EPA licensed activity
 - Development on bushfire prone land
 - Dredging or reclamation of any waters
 - Destruction or damage to an Aboriginal relic
 - Removal or damage to marine vegetation
 - Extraction or use of ground water
 - Obstruction to fish passage (as listed in FMA 1994 Section 219 and EPAA S91)
-

- Excavation and/or placement of fill within 40m of a watercourse or waterbody
- Any disturbances to land and/or vegetation within a crown road reserve.
- Extraction or use of surface and ground waters.

TABLE 3 – Complying Development

Development is *not* COMPLYING development if it is carried out on land that:

Other Acts and Government Authorities	(a)	is a sensitive coastal location, or
	(b)	is within coastal waters of the State, or
	(c)	is land to which State Environmental Planning Policy No. 14 – Coastal Wetlands or State Environmental Planning Policy No. 26 – Littoral Rainforests applies, or
	(d)	land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997, or
	(e)	is land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
	(f)	is land identified in any environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
	(g)	is land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or
	(h)	is land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
	(i)	is land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994, or
	(j)	comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the Heritage Act 1977, or listed in Schedule 7 of Shoalhaven LEP 1985 or that is subject to an interim heritage order under the Heritage Act 1977.

TABLE 4 – Complying Development

Development *is* COMPLYING development only if it:

Statutory Requirements	<ul style="list-style-type: none"> • is not prohibited by the provisions of any relevant environmental planning instrument; and • complies with the relevant requirements of this plan; and • complies with any “deemed to satisfy” provisions of the Building Code of Australia relevant to the development; and • complies with the restrictions-as-to-user on the title of the land where Stockland and/or Shoalhaven City Council is the authority to release, vary or modify the restriction; and • is consistent with any plan of management approved under SEPP No. 44 – Koala Habitat, and with any recovery plan or threat abatement plan in force under the Threatened Species Conservation Act 1995 which apply to the land; and • is not State Significant Development; and • is not Designated Development; and • does not require the concurrence of a person (other than the consent authority or the Director-General of the Department of Environment and Conservation in respect of development that is likely to significantly affect a threatened species, population, or ecological community or its habitat (identified under the Threatened Species Conservation Act, 1995); and • does not contravene any condition of a development consent applying to the land; and • complies with Planning for Bush Fire Protection, December 2006 prepared by the NSW Rural Fire Service.
Licensing	<ul style="list-style-type: none"> • does not require a licence, permit or approval listed in Section 91 of the EPAA; and (Note 1).
Pollution	<ul style="list-style-type: none"> • does not include any water, noise or air pollution.

Note 1: Approval may be required under Section 91 of the EPAA for:

- An item or place on the State Heritage Inventory
- Earthworks within 40m of a foreshore or a watercourse
- Earthworks, hoardings or structures within a Crown Road
- An EPA licensed activity
- Development on bushfire prone land
- Dredging or reclamation of any waters
- Destruction or damage to an Aboriginal relic
- Removal or damage to marine vegetation
- Extraction or use of ground water
- Obstruction to fish passage (as listed in FMA 1994 Section 219 and EPAA S91)
- Excavation and/or placement of fill within 40m of a watercourse or waterbody
- Any disturbances to land and/or vegetation within a crown road reserve.
- Extraction or use of surface and ground waters.

Building Lines and Setbacks	<ul style="list-style-type: none">• is carried out wholly within the property boundaries; and• complies with setbacks as stated in Council’s Building over Sewer Policy.
Access	<ul style="list-style-type: none">• has legal and practical access; and• does not restrict any vehicular or pedestrian access to or from the site; and
Public Utilities	<ul style="list-style-type: none">• a certificate of compliance from Shoalhaven Water has been obtained for the development, if required; and
Stormwater	<ul style="list-style-type: none">• does not obstruct stormwater drainage of the site on which it is carried out; and

SCHEDULE 1 – Exempt Development

Exemption Provisions

BUILDINGS AND STRUCTURES

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
ACCESS RAMPS FOR THE DISABLED	<ul style="list-style-type: none"> Maximum height 1m (above ground level). Maximum grade 1:14 and otherwise in compliance with AS 1428.1. 	Council's documents " <i>Design Guidelines for Accessible Living</i> " and " <i>A Checklist of Development Requirements for Accessible Living</i> " provide direction for these matters.
AIR CONDITIONING UNITS FOR DWELLINGS (attached to external wall or ground mounted)	<ul style="list-style-type: none"> Minimum boundary setback of 900mm Noise level not to exceed 5dBA above ambient background noise level measured at the property boundary. 	<p>Any noise problem which arises may lead to action under the Protection of the Environment Operations Act 1997. This may require relocation and/or sound proofing of any unit involved.</p> <p>Any unit overhanging a road reserve requires Council approval.</p> <p>Building work should not reduce the structural integrity of the building.</p> <p>Any opening created should be adequately weatherproofed.</p>
AERIALS/ANTENNAE/MICROWAVE ANTENNAE (not including satellite dishes – dealt with as a separate provision below)	<ul style="list-style-type: none"> For domestic use only. Ground mounted. Maximum 10m high above ground level to the top of the antenna. In rear yard or no closer to the street than the rear of the building. Mounted on a building – maximum 3m high above the ridgeline of the building. Clear of all boundaries. Ground mounted masts must be clear of easements and sewer mains. Limit of one aerial, antennae or microwave antennae per dwelling-house or dual occupancy. Must not extend beyond the ridge line of the building in a heritage conservation area. 	<p>Anything outside the exemption circumstances requires Council approval.</p> <p>More than one aerial, antennae or microwave antennae requires Council approval.</p> <p>Installation shall be structurally adequate and have all the supporting members eg stays or guys necessary to maintain structural adequacy in adverse conditions.</p> <p>The maximum height for any building or structure is 11m.</p>
AWNINGS, CANOPIES AND SUNBLINDS ON DWELLINGS	<ul style="list-style-type: none"> Maximum area of each awning/canopy and sunblind – 10m². Non-reflective materials. No advertising material . 	<p>As roof structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters.</p> <p>Supporting posts should be securely fixed to concrete footings or slabs or walls.</p>
AVIARIES (for domestic purposes only and not for the keeping of poultry or pigeons – regarding fowls, see "fowl house")	<ul style="list-style-type: none"> Maximum area 10m². Maximum height to eaves 2.4m. Maximum height to ridge 2.7m. Located in rear yard. 	<p>More than one aviary requires Council approval.</p> <p>To be located and kept in a manner that does not create a nuisance or a health hazard to adjoining properties.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
AVIARIES (cont'd)	<ul style="list-style-type: none"> • Non reflective materials. • One aviary per property. • Stormwater must be connected to existing stormwater system. • Not to be constructed over house or outbuilding surcharge/overflow gully. 	<p>Any noise problem which arises may lead to action under the Protection of the Environment Operations Act 1997. This may require relocation and/or soundproofing.</p> <p>The keeping of more than forth two native birds requires licensing by the National Parks and Wildlife Service as long as all the species are not listed as exempt on the NSW Bird Keeping Licence Species List (NPWS). The keeping of any species on this list requires a licence.</p> <p>Should be structurally adequate.</p> <p>Adequate drainage should be provided.</p>
BARBEQUES	<ul style="list-style-type: none"> • Maximum area 2m². • Maximum height 1.8m. • Limit of one per property. 	<p>Nuisance from smoke or other emissions should not to be caused to adjoining properties.</p>
CABANAS/GAZEBOS, GREEN HOUSES AND SHADE HOUSES	<ul style="list-style-type: none"> • Maximum area 10m². • Maximum height to eaves 2.4m. • Maximum height to ridge 2.7m. • In rear yard or no closer to the street than rear of dwelling. • Must not to be used for habitable purposes. • Stormwater must be connected to existing stormwater system. • Non reflective materials. • Limit of one cabana or gazebo or greenhouse or shadehouse per property. • Structures must not be located within 40m of a watercourse or waterbody. 	<p>As roof structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters. Supporting posts should be securely fixed to concrete footings or slabs.</p> <p>More than one cabana, gazebo, greenhouse or shadehouse requires Council approval.</p>
CLOTHES HOISTS/LINES	<ul style="list-style-type: none"> • Installed to manufacturer's specifications. • In rear yard or no closer to the street than rear of dwelling. 	
DECKS (unroofed - and attached to dwellings))	<ul style="list-style-type: none"> • Maximum area 10m². • Maximum width 1.5m. • Finished surface level not greater than 1m above adjacent finished ground level. • Complies with requirements for termite protection, ie minimum 400mm clearance to timbers, and capping, etc. • Must not be over watercourses or waterbodies. 	<p>Roofing of deck requires approval.</p> <p>Fire resisting construction and termite protection provisions of the BCA apply.</p> <p>.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
INTERNAL DRIVEWAYS AND PATHWAYS	<ul style="list-style-type: none"> • Dwelling-houses only. • Must not be elevated or suspended above finished ground level . • Stormwater must not be redirected onto adjoining property. • Must not void termite barriers. • Must not interfere with sewer gully height. 	<p>Consult relevant utilities regarding underground infrastructure and easements.</p> <p>To be structurally sound and of stable construction with adequate reinforcement and drainage.</p> <p>Liaise with Council if constructing driveways or pathways over drainage easements.</p> <p>Driveway design and construction should complement the existing streetscape (urban areas) or in the case of rural driveways, follow the contours of the land and be screened to blend with the environment.</p>
DOG KENNELS	<ul style="list-style-type: none"> • Maximum of two. • Maximum area of 1.5m² each. • Maximum height 1.8m. • In rear yard only. 	<p>The floor to be finished with an impervious material.</p>
FABRIC SHADE SAILS	<ul style="list-style-type: none"> • Maximum area 20m² (measured horizontally) • Maximum height 2.7m • Limit of one sail per premises • Not less than 900mm from side and/or rear boundaries • Located behind the primary or secondary building line 	<p>Footings, columns and methods of fixing to be designed by a structural engineer.</p> <p>More than one sail requires Council approval.</p>
<p>FENCES: (other than fences covered by the Swimming Pools Act 1992).</p> <p>1. BOUNDARY FENCES IN RESIDENTIAL ZONES</p> <p>a. side fences (between the building line and the rear boundary) and rear boundary fences.</p>	<ul style="list-style-type: none"> • Must not impede the natural flow of stormwater drainage/run-off. • Maximum height 1.8m if constructed of timber, metal or lightweight materials. 	<p>These requirements do not set aside the provisions of the Dividing Fences Act 1991.</p> <p>You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act if necessary.</p> <p>Council's "Boundary Fence and Courtyard Wall Code for Single Dwellings" provides guidance on Council requirements for fences and these must be complied with.</p> <p>If second hand materials are to be used, prior approval of Council is required (applies to all fences).</p> <p>Height of fence measured above finished ground level adjacent to highest part of the fence (applies to all fences).</p> <p>Fences above heights specified for respective types of fences require prior Council approval.</p>
2. MASONRY OR BRICK FENCES	<ul style="list-style-type: none"> • Located behind the primary or secondary building line • Maximum height 1.0m. 	<p>Masonry or brick fences over 1.0m require Council approval.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
FLAGPOLES	<ul style="list-style-type: none"> • Maximum flag area 2m². • Maximum height 6m above ground level. • Installed to Manufacturer's specifications. • No closer than 3.0m to an adjoining property boundary. • Limit of one flagpole per premises. 	<p>If flagpoles are to project over a public road they must comply with Clause 109 of the Local Government (Approvals) Regulation Act 1993.</p> <p>Should be structurally adequate</p> <p>Care must be taken to minimise noise from the flapping of flag ropes or like equipment.</p> <p>More than one flagpole requires Council approval.</p>
FUEL HEATERS (DOMESTIC) Development comprising: a. Oil fired appliances b. Solid fuel burning appliances	<ul style="list-style-type: none"> • Appliance must be tested to comply with Air Emission and Efficiency Standards AS 4012 and 4013. • Oil fired appliances must be installed in accordance with AS 1691. • Solid Fuel Heaters must be installed in accordance with AS 2918. • Boilers and pressure vessels must be installed in accordance with AS 1200. • The flue or chimney shall not terminate in such a position as to constitute: <ul style="list-style-type: none"> • a risk of fire to nearby combustibles; or • a risk of penetration of the flue gases through nearby windows or other openings, fresh air inlets, mechanical ventilation inlet or exhaust, or the like • The flue or chimney height must be at least 1.0m above the height of any structure or topographical feature within a 15m radius of the chimney with a maximum chimney height of 2m above the ridge of the roof on which it is installed. 	<p>Under the provisions of the Protection of the Environment Operations Act 1997, where Council is aware a nuisance is being created by a solid fuel heating appliance, Council has the power to require the owners to eliminate that nuisance.</p> <p>Where there is a conflict between the manufacturer's specifications and the BCA, the higher standard shall apply.</p> <p>A chimney height in excess of 2m will require approval.</p>
GARDEN SHEDS	<ul style="list-style-type: none"> • Free-standing and pre-fabricated or complies with AS 1684. • Maximum floor area 12m². • Maximum height to eaves 2.4m. • Maximum height to ridge 2.7m. • In rear yard only. • Installed to manufacturer's specifications. • Limit of 1 garden shed per premises. • Not less than 600mm from side or rear boundaries. • Stormwater must not be redirected onto an adjoining property. • Must not be sited within 20m of a watercourse or waterbody. 	<p>As roof structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters. Supporting posts should be securely fixed to concrete footings or slabs.</p> <p>More than one garden shed requires Council approval.</p>
LETTERBOX (free standing or in "banks")	<ul style="list-style-type: none"> • Maximum height of 1.2m above ground level. 	<p>Appropriate numbering for each one visible from street alignment.</p> <p>Structurally stable with adequate footings.</p> <p>Designed in accordance with engineering principles.</p> <p>Compliance with Australia Post requirements.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
LIGHTING (EXTERNAL) OF PREMISES (excluding tennis courts and sports fields).	<ul style="list-style-type: none"> • Must not be directed onto adjoining properties or a public street. • Must not be directed onto a State Road. 	Approval is required for lighting (and associated building works) of tennis courts and sports fields.
MINOR INTERNAL ALTERATIONS EXCLUDING PLUMBING AND/OR DRAINAGE ALTERATIONS. 1. Residential Premises	Non-Structural work only such as: <ul style="list-style-type: none"> • replacement of doors; wall, ceiling or floor linings; or deteriorated frame members with equivalent or improved quality materials; • renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes; • applies only to alterations or renovations to previously completed buildings; • work must not include changes to the configuration of rooms by removal of existing walls, partitions or by other means; • work must not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas; • work must not increase overall floor area, eg conversion to non-habitable areas to habitable areas or storage areas to other uses; • Non structural work such as shelving, displays, benches, partitions which do not provide structural support to any part of the building. 	Any work involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices involving Asbestos Cement in Buildings". Any work involving lead paint removal must be carried out in accordance with documents entitled "Lead Safe" prepared by the NSW Lead Reference Centre and published by the EPA. Any alteration to plumbing and drainage will require approval under Section 68 of the Local Government Act.
PATIO AT GROUND LEVEL (abutting a dwelling)	<ul style="list-style-type: none"> • Must not to exceed 20m². • Stormwater must not be redirected onto adjoining property. • Sufficient step down must be provided to prevent the entry of water into the dwelling. • Sewer gully clearances must be maintained, ie 150mm below floor level and 75mm above patio. • Not to exceed a height of 500mm above finished ground level at any point. • Must not to cover weep holes. 	Termite protection provisions of the BCA apply. Non slip finish advisable.
PERGOLA (Open, and at ground level)	<ul style="list-style-type: none"> • Maximum area 20m². • Maximum height 2.7m. • Limit of one pergola per premises. 	Roofed or enclosed pergolas require approval. More than one pergola requires Council approval. Termite protection provisions of the BCA apply.
PLAYGROUND EQUIPMENT (EXCLUDING Cubby Houses – see below)	Residential Use <ul style="list-style-type: none"> • Maximum height of 2.4m. • Maximum ground coverage of 10m². All equipment <ul style="list-style-type: none"> • Must be installed in accordance with manufacturers instructions and comply with relevant Australian Standards (AS 1924, 2155 	Structure must be at least 1.2m away from a pool safety fence measured in accordance with cl2.3 AS 1926–1986. Does not apply to the commercial use of equipment. Care should be taken to ensure there is no adverse effect upon the privacy of adjoining properties.

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
	and DR 94007–DR 94010).	
PLAYGROUND EQUIPMENT (Cubby Houses)	<ul style="list-style-type: none"> • In rear yard only or no closer to the street than rear of dwelling. • Maximum height 2.1m. • Maximum area 10m². • Installed to manufacturer's specifications or relevant structural standard. • Limit of one cubby house per premises. 	<p>As roof structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters. Supporting posts should be securely fixed to concrete footings or slabs.</p> <p>A safe fall area and shade planting should be provided.</p> <p>More than one cubby house requires Council approval.</p> <p>Care should be taken to ensure there is no adverse effect upon the privacy of adjoining properties.</p>
POOL PUMP ENCLOSURES	<ul style="list-style-type: none"> • Max height 1.8m. • Domestic use only. 	Design should provide for noise reduction.
PORTABLE SPA	<ul style="list-style-type: none"> • The spa shall be located a minimum of 1m from any property boundary and shall not cause a noise nuisance to adjoining neighbours. • The spa shall be fitted with a cover that complies with the provisions of the Swimming Pool Act 1992 (and regulations), at all times when the spa is not in use. • Located in rear yard. • Limit of one per property. • Compliance with Council's building line setback requirements. 	Any noise problem that arises may lead to Council taking further action under the Protection of the Environment Operations Act 1997 and this may require relocation and/or sound proofing of any unit involved.
PRIVATE ELECTRICITY SERVICE POLE/POST	<ul style="list-style-type: none"> • Must be installed in accordance with the requirements of Integral Energy. 	
RE-CLADDING OF ROOFS OR WALLS or repair/maintenance of damaged materials	<ul style="list-style-type: none"> • No structural alterations involved. • Replace existing materials with similar materials which are compatible with the existing building and finish. • Must not involve installation of new window openings but windows not required for natural light or ventilation purposes and standards may be removed. • Must not result in an increase of floor area or height of the building. • Non-reflective materials. • All downpipes, gutters and stormwater lines must be reconnected after the completion of re-cladding to ensure satisfactory stormwater disposal. 	<p>Any work involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices involving Asbestos Cement in Buildings".</p> <p>Any work involving lead paint removal must be carried out in accordance with documents entitled "Lead Safe" prepared by the NSW Lead Reference Centre and published by the EPA.</p> <p>A window may not be removed if it would cause non-compliance with BCA requirements.</p>
RETAINING WALLS (excluding retaining walls adjacent to watercourses)	<ul style="list-style-type: none"> • Maximum Height 300mm where located forward of the primary or secondary building line. • Maximum Height 1.0m where located behind in front of the primary or secondary building line. • Masonry walls to comply with: <ul style="list-style-type: none"> • AS3700 – Masonry Code • AS3600 – Concrete Structures • AS1170 – Loading Code. • Timber walls to comply with: <ul style="list-style-type: none"> • AS1720 – Timber Structures 	<p>A retaining wall should be designed and constructed with an effective drainage system to prevent backfill becoming saturated and causing a build-up of water pressure behind the wall.</p> <p>Effective drainage of backfill material can be ensured by providing weepholes and continuous drainage within the backfill.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
	<ul style="list-style-type: none"> AS1170 – Loading Code. Designed and constructed to ensure the natural flow of stormwater drainage/run-off is not impeded. Must not be within 40m of a watercourse or waterbody. 	
SATELLITE DISHES	<p>1. <u>Domestic Use</u></p> <p>Ground Mounted – Urban</p> <ul style="list-style-type: none"> Maximum height of 1.8m. Maximum diameter 1.0m. Limit of one per dwelling-house or body-corporate. A minimum of 900mm from a property boundary. Compliance with the relevant Australian Standards. 	More than one satellite disk requires Council approval.
	<p>Roof Mounted</p> <ul style="list-style-type: none"> Maximum diameter 700mm. Suitably coloured to blend with the building. Limit of one per dwelling-house or body corporate. Compliance with the relevant Australian Standards. 	
SCAFFOLDING	<ul style="list-style-type: none"> Must not encroach onto footpath or public thoroughfare. Must enclose the work area. Must comply with AS 1576. Must be removed immediately after the purpose for which it was initially provided has concluded and no safety problem will result due to removal. 	<p>No scaffolding is to be provided to any building identified as a Heritage Item or the subject of a conservation order without the prior consent of Council.</p> <p>Should have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble</p> <p>All scaffolding shall meet relevant WorkCover Authority requirements.</p>
SOLAR WATER HEATERS	<ul style="list-style-type: none"> Installed to manufacturer's specifications and requirements and in accordance with relevant provisions of the Building Code of Australia and relevant Australian Standards. Installed by a licensed tradesperson. 	<p>The building work should not reduce the structural integrity of the building or involve structural alterations.</p> <p>Any opening created by the installation should be adequately weatherproofed.</p>
SKYLIGHT ROOF WINDOWS (including solar tube or similar type installations)	<ul style="list-style-type: none"> Maximum area of skylight must not exceed 1m². Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings. Installed according to manufacturer's instructions. Non-reflective glass. 	<p>The building work should not reduce the structural integrity of the building or involve structural alterations.</p> <p>Any opening created by the installation should be adequately weatherproofed.</p>
TEMPORARY STRUCTURES (builders' sheds, Portaloos, marquees, mini stages)	<ul style="list-style-type: none"> Removal must occur immediately after construction of associated development and prior to occupation, or within 6 months – whichever is the lesser. Marquees and mini stages not in place longer than 1 week with a maximum gross floor area of 12m². 	Installation shall be structurally adequate in adverse conditions.

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
	<ul style="list-style-type: none"> Builders' sheds must not interfere with traffic or pedestrian safety. 	
WATER HEATERS (excluding solar systems)	<ul style="list-style-type: none"> Replacement or new installations. The work must not reduce the structural integrity of the building or involve structural alterations. Installation by licensed tradesperson. 	
WATER TANKS	<p>General Provisions</p> <ul style="list-style-type: none"> Maximum height 2.4m above finished ground level, including any stand for the tank. Maximum excavation or fill 1.0m. The tank must not be closer than 450mm to any property boundary. The tank must be designed to capture and store roof water from gutters or downpipes on a building and not from any other source. The tank must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank. The tank must be structurally sound. The tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank. The tank must be assembled and installed in accordance with the instructions of the manufacturer or design of the tank. If the tank is to be supported on a stand, the stand must comply with the relevant engineering Design Plan available from Shoalhaven Water (Plan Nos 98114/3 to 98114/19). The tank must not be installed over any structure or fittings used by Shoalhaven Water to maintain a water or sewer main. No part of any tank or stand for a tank may rest on a footing of any building or other structure, including a retaining wall. The tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignment of the building). A sign must be affixed to the tank clearly stating that the water in the tank is rainwater. Any overflow from the tank must be directed into an existing stormwater system. The tank must enclose, and any inlet to the tank must be screen of filtered, to prevent the entry of foreign matter or creatures. The tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water. Motorised or electric pumps used to draw water 	<p>Development consent is required where tanks exceed 10,000 litre capacity or 25,000 litres capacity in rural zones.</p> <p>You are advised to read "Shoalhaven Water – Guide to Rainwater Tanks".</p> <p>This exemption does not apply to tanks below ground or on land which requires excavation other than in accordance with the exemption criteria.</p> <p>If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption – see the <i>Rainwater Tanks</i> brochure produced by NSW Health and the publication entitled <i>Guidance on the use of rainwater tanks, Water Series No 3, 1998, published by the National Environmental Health Forum</i>.</p> <p>Tanks should be hidden behind the dwelling-house or screened by landscaping if necessary.</p>

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
	<p>from a tank or to transfer water to another tank must not create offensive noise.</p> <ul style="list-style-type: none"> The land does not comprise a lot within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act, 1986</i>. <p>In all zones (other than rural):</p> <ul style="list-style-type: none"> Capacity of tank or tanks must not exceed 10,000 litres. 	
WINDOWS, GLAZED AREAS AND EXTERNAL DOORS	<ul style="list-style-type: none"> Replacement in residential premises with materials which comply with: <ol style="list-style-type: none"> AS1288 Glass in buildings – Selection and Installation; and AS1288 Glass in buildings – Selection and installation; and AS2208 Safety Glazing Materials for Use in Buildings (human impact considerations). No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed. 	<p>You are advised to consult a structural engineer, architect or building surveyor to ensure alterations will comply with the BCA and structural support will not be affected.</p> <p>You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially whether safety glass is required and installed.</p> <p>Any works involving asbestos cement in buildings must comply with the WorkCover Authority's "Guidelines for Practices involving Asbestos".</p> <p>Any work involving lead paint removal must be carried out in accordance with documents entitled "Lead Safe" prepared by the NSW Lead Reference Centre and published by the EPA.</p>

PART A2 – DEMOLISH A BUILDING

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
DEMOLITION	<ul style="list-style-type: none">• Approval is not required where Council has consented to demolition as a condition of subdivision or development consent or an order to demolish has been served by Council under section 121B of the Environmental Planning & Assessment Act, 1979 or section 124 of the Local Government Act 1993.• Approval is not required for demolition of any building or structure (other than a dwelling or part thereof or retaining wall) which may be erected under the exempt or complying development provisions of this plan (whether erected before or after these Controls took effect) provided the building or structure is not more than 50 years old.• Demolition to be carried out in accordance with Australian Standard AS2601–1991 Demolition Code.<ul style="list-style-type: none">• Traffic & pedestrian safety• Disposal of Waste• Re-use of materials• Approval is not required for demolition associated with decommissioning a building, but not involving any change to the external fabric of the building; and• stripping of the internal non structural elements only of the building for maintenance or repair purposes.	<p>All demolition requires development consent except as provided by this Schedule.</p> <p>Any works involving asbestos must comply with the WorkCover Authority's "Guidelines for Practices involving Asbestos in Buildings".</p> <p>Any work involving lead paint removal be carried out in accordance with documents entitled "Lead Safe" prepared by the NSW Lead Reference Centre and published by the EPA.</p>

HOME ACTIVITY

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
Home Activity	<p>General requirements</p> <p>The home activity must:</p> <ul style="list-style-type: none"> • be wholly contained within a dwelling or dwelling-house <p>The home activity must not:</p> <p>Floor Area</p> <ul style="list-style-type: none"> • occupy a floor area greater than 60 sq. metres • occupy more than 10% of the floor area of a dwelling or dwelling-house <p>Food Preparation</p> <ul style="list-style-type: none"> • involve food preparation <p>Hairdressing or Skin Penetration</p> <ul style="list-style-type: none"> • involve hairdressing • involve skin penetration or piercing • involve beauty treatments, including acrylic nails <p>Sale of goods</p> <ul style="list-style-type: none"> • involve the retailing of any goods or products <p>Employment</p> <ul style="list-style-type: none"> • involve employment, on the premises, of any person who is not a resident <p>Amenity</p> <ul style="list-style-type: none"> • generate any noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or similar emission • involve the disposal of any waste product that could not be collected by a normal domestic waste service • involve the external storage of any goods, plant or equipment <p>Traffic, Access and Carparking</p> <ul style="list-style-type: none"> • generate traffic movements outside normal business hours • require additional carparking in urban areas • involve the parking or use of any vehicle (including deliveries) unable to be driven by a Class C licensed driver • involve the parking or use of any plant or equipment for which a licence to operate is required from WorkCover • involve repairs and maintenance to any vehicle or equipment <p>Essential Services</p> <ul style="list-style-type: none"> • require the upgrading of any essential service infrastructure <p>Signs</p> <ul style="list-style-type: none"> • involve the display of any advertising sign other than a non-illuminated business identification sign not exceeding 0.75m² or 1.8m above finished ground level or a sign painted on a registered motor vehicle 	<ul style="list-style-type: none"> • The legal definition of ‘home activity’ is contained in Shoalhaven Local Environmental Plan, 1985. • A change of building classification occurs when a home activity occupies more than 10% of the total floor area of a dwelling. Similarly, a change of classification also occurs if a home activity occupies an outbuilding. In such cases development consent is required.

**ERECTION OF AN ADVERTISING STRUCTURE
(INCLUDING OVER A PUBLIC ROAD)**

Important Note:

The following table provides information on exempt signage only to meet the requirements of the Environmental Planning and Assessment Act, 1979.

Council's complete policy relating to advertising signage is contained within the Shoalhaven Signage Strategy. Please refer to the Development Control Plan No. 82 – Section 2 – Development Guidelines for Advertising Signs

All Residential, Special Use and Open Space Zones and Zone No 9(a) Natural Hazards (Urban Flooding)

<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
A. Business and Building Identification Signs		
Exempt (No approval required)	<ul style="list-style-type: none"> • Sign is well maintained and sign content is legible, not offensive and applicable to the business at all times. • Sign is not floodlit or illuminated in any way • One per premises • Sign face area does not exceed 0.75m² • Signs may be erected: <ul style="list-style-type: none"> • On the building • Upon a front boundary fence • As a free-standing sign within the property boundaries • Maximum height of 2.4 m (for ground mounted signs). • Design is consistent with Council's Advertising Sign Design Guidelines 	<p>Business identification signs associated with approved Home Activities and Bed and Breakfast establishments do not require consent.</p> <p>Signs may be erected:</p> <ul style="list-style-type: none"> • On the building • Upon the front boundary fence • As a free standing sign within the property boundaries • DCP82 – Development Guidelines for Advertising Signs includes guidelines for appropriate sign design
B. On-Building signs		
Exempt (No approval required)	Other than business or building identification signs, there are no opportunities for exempt development in this category	Not applicable
C. Free-Standing Signs		
Exempt (No approval required)	Other than business or building identification signs there are no opportunities for exempt development, in this category	Not applicable
D. Signs on Structures		
Exempt (No approval required)	Other than Business or Building Identification signs, there are no opportunities for exempt development in this category.	Not applicable

Public Footpaths – (includes all land within the public road reserve)		
<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
A. Free-Standing signs		
Exempt (No approval required)	Illuminated Advertising (Identilite) Sign: <ul style="list-style-type: none"> Erected in accordance with Council Policy. 	
	Finger blade directional signs <ul style="list-style-type: none"> Sign is consistent with Council's Street Signage Policy Sign is consistent with a design approved by Council Sign is erected by Council on street signposts 	
	Signs on Bus Shelters and Seats <ul style="list-style-type: none"> Erected in accordance with Council Policy on roads under the control of Council 	
	Street Signs <ul style="list-style-type: none"> Street signs comprising name plates, directional signs and advance traffic warning signs, and warning, advisory and regulatory signs. Construction by or for Council or the Roads and Traffic Authority (RTA) in accordance with RTA Guidelines. Must be designed, fabricated and installed in accordance with relevant SAA and RTA and Shoalhaven City Council standards. 	City Services Group to be contacted for the specific requirements for each case.

Other Signs		
<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
A. Temporary Signs		
Exempt (No approval required)	<p>Temporary signs for religious, cultural, political, social or recreational events</p> <p>Sign:</p> <ul style="list-style-type: none"> • does not include commercial advertising apart from name of event sponsor(s) • is not displayed earlier than 28 days before an event is removed within 7 days of the event • does not exceed 6.0m² • is not suspended across public roads • must not be erected on public land (without the written approval of Council) or affixed to trees, lighting standards (other than on lighting standard specifically designed and approved for the purpose), guide posts or power poles in road reserves • is erected by a religious or community group, sporting club or other community-based organisation recognised by Council <p>Temporary directional signs for markets and garage sales</p> <ul style="list-style-type: none"> • do not exceed 0.36m² in sign face area • may be erected at each turnoff and at each corner but must be well clear of the carriageway and not obstruct foot traffic • are prohibited within the boundaries of classified main roads and state highways • must not be erected on roundabouts, median strips, affixed to trees, lighting standards, guideposts or power poles in road reserves • may be erected during the period between midday on the last working day prior to a weekend (including long weekends) and must be removed prior to midday on the first working day after a weekend 	

Other Signs		
Type of Development	Criteria for Exemption	Advisory Notes
B. Real Estate Signs (advertising premises/land for sale by private treaty or auction or rent)		
Exempt (No approval required)	<p>General provisions</p> <ul style="list-style-type: none"> signs are erected only on properties that are genuinely for sale or lease signs are erected wholly within the property boundaries signs must not be affixed to trees, power poles, guideposts, street/road directional signs and the like in road reserves signs on public property are prohibited except where a sign is erected within the road reserve, parallel to and within 15 cm of the front property boundary signs may be free-standing or erected on a fence or wall of a building signs are non-illuminated sign is removed within 14 days of letting or completion of sale banner signs, bunting, flags or the like are securely fixed and removed by 5pm daily banner signs, bunting, flags or the like, erected over a public road or public place are prohibited free-standing signs are securely mounted on stakes driven into the ground sign content is limited to: Transaction details, eg “For Sale”, “For lease”, etc. agents name and contact details and a brief description of the property, auction dates, etc returns shall not exceed 180 mm <p>Directional Signs</p> <ul style="list-style-type: none"> may be erected at each turnoff and at each corner leading to a sales point, open house, etc do not exceed 0.36² in sign face area are prohibited within the boundaries of classified main roads and state highways may be erected during the period between midday on the last working day prior to a weekend (including long weekends) and must be removed prior to midday on the first working day after a weekend must be well clear of the carriageway and not obstruct foot traffic <p>Maximum Number</p> <ul style="list-style-type: none"> the maximum number of signs from each company facing each road frontage of the subject property is: <ul style="list-style-type: none"> Less than 2.5 ha – 1 sign 2.5 ha – 4 ha – 2 signs More than 4 ha – 4 signs 	Signs erected or affixed to trees, powerpoles, guideposts, street/road directional signs and the like in the road reserve may be removed by authorised officers.

Other Signs		
<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
B. Real Estate Signs (advertising premises/land for sale by private treaty or auction or rent) – (Continued)		
Exempt (No approval required)	<p>Residential, rural and environment protection zones</p> <ul style="list-style-type: none"> sign face area does not exceed 2.5 m² <p>Managing Agents</p> <ul style="list-style-type: none"> signs are consistent with the definition of a business identification sign and do not exceed 0.75m² <p>Subdivision Land Sales</p> <ul style="list-style-type: none"> one sign per subdivision sign face area does not 8 m² in urban areas or 6 m² in rural and environment protection zones sign is removed after maximum of two (2) years advertising sign: <ul style="list-style-type: none"> is erected on the land within the subdivision does not adversely affect traffic safety does not restrict sight distances at entrance/exit to any property does not obstruct sightlines to signs on adjoining property does not dominate the streetscape or skyline is consistent with Council's Advertising Sign Design Guidelines; does not adversely affect the amenity, character or scenic quality of the area does not detract from the heritage significance of the building or place 	

Other Signs		
<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
C. Election Signs		
Exempt (No approval required)	<p>Local Government</p> <ul style="list-style-type: none"> Signs are not erected prior to nomination day for any local government election. <p>State Government</p> <ul style="list-style-type: none"> Signs are not erected before writs are issued for the relevant election Signs must comply with Section 151B of the Parliamentary Electorates and Elections Act 1912 <p>Federal Government</p> <ul style="list-style-type: none"> Signs are not erected before writs are issued for the relevant election. <p>General</p> <ul style="list-style-type: none"> Sign face area does not exceed 0.8 m² Maximum of two (2) single-side signs per property or one V-shaped or double sided sign Signs <ul style="list-style-type: none"> are erected only on private property do not detract from the heritage significance of the building or place do not adversely affect traffic safety are removed within 7 days of the conduct of an election, poll or referendum The erection of election signs upon or over roads or on land under the control of Local, State or Federal Authorities is prohibited. 	<p><i>This is an offence under Section 151B of the Parliamentary Electorates and Elections Act, 1912 to affix signs to trees, lighting standards, guide posts or power poles in road reserves. Such will be removed by authorised officers.</i></p>

Other Signs		
<i>Type of Development</i>	<i>Criteria for Exemption</i>	<i>Advisory Notes</i>
D. Public Land		
Exempt (No approval required)	Public Notice <ul style="list-style-type: none"> Informational, directional or security signs displayed by a public authority on public land with a total sign face area not exceeding 8 m² in urban zones and 6m² in non-urban zones Design is consistent with Council's Advertising Sign Design Guidelines 	
	Fence signs <ul style="list-style-type: none"> Facing inwards towards a playing field or spectator enclosure and not visible beyond the site provided that: <ul style="list-style-type: none"> The sign is temporary and only erected during the course of sporting fixtures Sign is well maintained and sign content is legible Sign message or content is not offensive. Sign message or content does not relate to the use of substances which may be injurious to health such as alcoholic beverages, cigarettes, tobacco and the like Council has not required the sign to be removed 	
E. Message Content		
Exempt (No approval required)	Changes to the message content of a sign	Sign content is not offensive
F. Motor Vehicle Signs		
Exempt (No approval required)	<ul style="list-style-type: none"> Advertisements on motor vehicles used principally for the conveyance of goods or passengers Vehicle is able to be driven with the sign displayed Vehicles must not be parked for extended period for the purpose of an advertising structure 	

SUBDIVISION

<i>Type of Activity</i>	<i>Criteria For Exemption</i>	<i>Advisory Notes</i>
<p>Subdivision in Urban Zones</p> <p>(a) Boundary adjustment between two allotments.</p> <p>(b) Rectifying an encroachment upon an existing building.</p> <p>(c) A strata plan or strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act, 1986.</p>	<p>General</p> <ul style="list-style-type: none"> • Will not result in any building contravening the deemed to satisfy provisions of the <i>Building Code of Australia</i>; and • will not create any additional allotments; and • the area of each allotment is not changed by more than 10%; and • where the land is zoned Residential, each of the allotments has an existing legally erected dwelling-house, or the legal ability to erect a dwelling-house under the provisions of SLEP 1985. • Shoalhaven water has issued a compliance certificate for the subdivision. • Not more than 2m variation in width is involved. • Shoalhaven Water has issued a compliance certificate for the subdivision. • Medium density development only for which an Occupation Certificate has been issued. • Does not apply to tourist accommodation or dual occupancy development. • Will not increase the number of allotments with frontage to a watercourse or waterfront lands. 	

SCHEDULE 2 – Complying Development

Bed and breakfast accommodation

<i>Complying Development</i>	<i>Development Standards</i>
<p>The use of an existing lawful dwelling by its permanent residents for the provision of accommodation and meals to temporary residents on a short term basis where:</p> <p>a. the accommodation is, in each case, for a period not in excess of 21 days;</p> <p>b. no more than 10 residents (including permanent residents) are accommodated at any one time; and</p> <p>c. only permanent residents of the premises and other part-time employees are employed on the premises.</p>	<p><i>Bulk and Scale</i></p> <ul style="list-style-type: none">▪ Class 1(a) and 1(b) buildings only (maximum floor area 300m²)▪ A maximum of two guest bedrooms▪ A minimum of two bathrooms. <p><i>Signage</i></p> <ul style="list-style-type: none">▪ A maximum of one business identification sign per dwelling. <p><i>Fire Safety</i></p> <ul style="list-style-type: none">▪ Smoke alarms must be installed and Comply with the BCA and AS 3786–1993 – Smoke Alarms and AS 3000–1991 – Electrical Installation for Buildings, Structures and Premises (the SAA wiring rules).▪ Both a fire extinguisher and fire blanket are installed in the kitchen. <p><i>Car Parking</i></p> <ul style="list-style-type: none">▪ On-site car parking is provided at the rate of one space per guestroom. <p><i>General</i></p> <ul style="list-style-type: none">▪ Complies with the Food Act 1989, the Food (General Regulation) 1997 and Council’s General Standards for the Construction and Alteration of Food Premises and Requirements in Connection with the Installation of Equipment and Appliances.▪ Approval has been obtained from the owners’ corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the <i>Strata Schemes Management Act 1996</i> or the <i>Community Land Management Act 1989</i>.

Advisory Notes

- An application for Local Development is required in the following circumstances:
 - i. to erect and use a new dwelling house or extend an existing dwelling-house for the purpose of Bed and Breakfast accommodation
 - ii. to convert significant outbuildings
 - iii. where it is proposed to utilise three or more bedrooms for Bed and Breakfast accommodation

Advisory Notes (cont’d)

- The requirements for a “business identification sign” are set out in Schedule 1 and Appendix A.
 - The amenity and privacy of adjoining residents must be taken into consideration in planning the development.
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Houses and Extensions

Complying Development	Development Standards
<p>Development consisting of: erection of the first dwelling-house on an allotment (including alterations and additions to that dwelling-house) and construction of ancillary driveway in a residential zone.</p>	<p>Land: A single dwelling house on a single allotment with no further subdivision permitted.</p> <p>Building Envelopes</p> <ul style="list-style-type: none"> ▪ The primary building line setback is to be a minimum of 5m, unless otherwise specified in the Section 88B instrument relating to the allotment; ▪ For corner allotments, the secondary building line setback to the side street frontage is to be a minimum of 3m, unless otherwise specified in the Section 88B instrument relating to the allotment; ▪ The dwelling house must incorporate a porch, verandah, deck, pergola or balcony that projects forward of the primary building line that: <ul style="list-style-type: none"> ▪ has a minimum depth of 1.8m measured from the primary building line, and ▪ has a minimum width equal to 1/3rd of the width of the dwelling house. ▪ The dwelling house may incorporate a porch, verandah, deck, pergola or balcony that projects forward of the primary or secondary building line provided they have maximum depth of: <ul style="list-style-type: none"> ▪ 2.5m measured from the primary building line, or ▪ 1m measured from the secondary building line. ▪ Garages must be setback a minimum of 1m behind the building line of the dwelling; ▪ Garages facing a public street or right of carriageway are not to be more than 6m wide or 50% of the frontage width whichever is the lesser; ▪ For single storey dwellings not on corner allotments, side setbacks are to be a minimum of 0.9m to both sides, except where an easement for zero setback has been identified in the Section 88B instrument relating to the allotment. ▪ For two storey dwellings not on corner allotments, side setbacks are to be a minimum of 0.9m to one side and 1.5m to the other. Where an easement for zero setback has been identified in the Section 88B instrument relating to the allotment, the alternate side setback must be a minimum of 1.5m; ▪ Rear setbacks are to be a minimum of 5m unless otherwise specified in the Section 88B instrument relating to the allotment, except for garages for an allotment with rear or side street vehicular access, where the rear setback for garages is to be a minimum of 0.9m; ▪ Eaves are to be 450mm deep and may extend beyond the front, rear and side setbacks. This control does not apply to

zero lot boundaries where indicated on the Section 88B instrument for the allotment.

Energy efficiency

BASIX certificates are to be obtained and submitted with the Complying Development Certificate.

Bulk and Scale

- The floor space ratio shall not exceed 0.6:1 including outbuildings. For the purposes of this control, not more than 40sqm may be deducted from the gross floor area for a garage for the purposes of calculating gross floor area;
- The dwelling structure shall be a maximum of two storeys and not exceed 7.2m as measured between any point above the finished ground level of the site and the ceiling of the upper most floor;
- The roof form is to be hipped, gable, mono or skillion pitched between 10 and 35 degrees. A flat roof is permissible only when it is concealed behind a parapet and where the flat portion of the roof is no greater than 8sqm;
- The maximum depth of cut and fill for dwellings beyond the finished ground level of the site after the subdivision works are completed shall be 1m;
- Cut and fill external to a building envelope shall be retained by walls or be battered at a grade less than 1:2 (vertical: horizontal).
- Retaining walls forward of the primary or secondary building line must not be greater than 1m in height and be constructed of materials consistent and complementary to the dwelling house on that allotment.

Protecting Amenity

- Windows and doors within 5m of a side or rear boundary shall not overlook a neighbouring property. No window or door that overlooks adjoining private outdoor areas or windows to habitable rooms of adjoining dwellings shall have clear glazing below 1.5m above finished floor level;
- For at least 3 hrs between 09:00 – 15:00 hrs on June 21, at least 50% of the neighbouring properties' Principal Outdoor Living Space is not to be in shadow. Where this standard cannot be met, no additional overshadowing is to occur.

Building over sewers

Any building must comply with Shoalhaven Water "Building over Sewer Policy".

Car Parking and Vehicular Access

- A minimum of two on-site car spaces are to be provided per allotment, one of which is to be garaged. The second space may be tandem to the first. Car parking spaces are to measure a minimum 2.6m x 5.5m where outdoors and 3m x 6m where garaged;
- Vehicle crossovers to footpaths are to be 3m for single garages and 3.5m for double garages. The crossover shall be constructed perpendicular to the carriageway kerb;
- For corner allotments, vehicle crossovers shall be offset from the corner boundary by a minimum of 6m.

Open space and landscaping

- A minimum of 35sqm of private open space is to be provided;
- A minimum landscaped Principal Outdoor Living Space of 25sqm with a minimum dimension of 4m is to be provided directly accessible from an internal living area.

Trees retained on the allotment after the subdivision works are completed are to be lopped, pruned, damaged or removed.

Carports, fabric shade sails, garages and pergolas associated with an existing lawful dwelling-house

Erection of carports, fabric shade sails, garages and pergolas associated with an existing lawful dwelling-house (does not include a pergola referred to in Schedule 1) .

Streetscape

- Car ports and garages facing a public street or right-of-carriageway are not more than 6m or 50% of the frontage width, whichever is the lesser.
- The wall cladding, other than face brick is painted or pre-coloured to match the existing dwelling-house.
- Garages, car ports must be setback a minimum of 1m behind the building line of the dwelling
- Fabric shade sails and pergolas must be located within the rear yard of the property
- Each part of the structure is located not less than 900mm from any side or rear boundary except where an easement for zero setback has been identified in the Section 88B instrument relating to the allotment, unless the BCA requires a greater setback.

Bulk and Scale

- The floor area under the roof or fabric shade sail is not more than 40m²;
- the wall height at the eaves line is not more than 3m above finished ground level ;
- The roof form of a carport or garage is to be hipped, gable, mono or skillion pitched between 10 and 35 degrees. A flat roof is permissible only when it is concealed behind a parapet and where the flat portion of the roof is no greater than 8sqm;

Building over sewers

- Any building must comply with Shoalhaven Water “Building over Sewer Policy”.
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COMPLYING DEVELOPMENT CONDITIONS

Compliance with the Building Code of Australia

1. All work must comply with the deemed to satisfy provisions of the Building Code of Australia.

Residential Building Work

2. Building work that involves residential building work within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - a. In the case of work to be done by a licensee under the Act:
 - i. Has been informed in writing of the licensee's name and contractor licence number, and
 - ii. Is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - b. in the case of work to be done by any other person:
 - i. has been informed in writing of the person's name and owner-builder permit number, or
 - ii. has been given a declaration, signed by the owner of the land, that states the reasonable market cost of labour and materials involved in the work is less than the amount prescribed for the purposes of the definition or owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Notes:

The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount of \$12,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Before you begin work

3. Two days before any site works, building or demolition begins, the applicant must
 - (a) forward *Notice of Commencement of Building or Work and Appointment of Principal Certifying Authority* to the Council; and
 - (b) inform the adjoining owners in writing that work will commence.
4. Before any site works or building begins, the applicant must:
 - a. notify the Council of the name, address, telephone number and licence number of the builder; and
 - b. erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the applicant for the complying development certificate.

Note This item does not impose a requirement on an applicant if it is complied with by the builder.

Excavations and Backfilling

5. All excavations and backfilling must be executed safely and in accordance with appropriate professional standards.

All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

Retaining Walls and Drainage

6. If soil conditions require it, suitable retaining walls with appropriate drainage shall be provided to prevent the movement of soil.

Support for Neighbouring Buildings

7. If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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- a. Must preserve and protect the building from damage;
 - b. If necessary, must underpin and support the building in an approved manner; and
 - c. Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

Note: An “allotment of land” includes a public road and any other public places.

Protection of Public Places

8. If the work involved in the erection or demolition of a building:
 - a. Will cause danger to pedestrians or vehicular traffic; in a public place;
 - b. Will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - c. Involves the enclosure of a public place,

A hoarding or fence must be erected between the building premises and the public place.

If necessary, a sufficient awning is to be erected to prevent any substance from, or in connection with, the work falling onto the public place.

The site of the building is to be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using the public place.

Any such hoarding, fence or awning is to be removed when no longer required.

Signs to be Erected on Building and Demolition Sites

9. A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
 - a. Stating that unauthorised entry to the premises is prohibited, and
 - b. Showing the name of the builder or other person in control of the premises and a telephone number at which the builder

or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed.

This condition does not apply to:

- a. Building work carried out inside an existing building, or
- b. Building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Toilet Facilities

10. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:

Each toilet provided:

- a. Must be a standard flushing toilet, and
- b. Must be connected
 - i. To a public sewer, or
 - ii. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

Note “Accredited sewage management facility” means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation

“Approved by the Council” means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

“Public Sewer” has the same meaning as it has in the Local Government (Approvals) Regulations 1993.

Hours of work

11. Any building work must be carried out between 7am and 6pm Monday to Friday, and 7am to 5pm Saturdays, but not including Sundays or public holidays.

Stormwater Drainage

12. All stormwater must discharge into Council's stormwater system. Kerb adaptors shall be used for all kerb discharge points.
13. Drainage must be designed for a 1 in 10 year recurrence interval in accordance with AS 3500 Plumbing and Drainage Code. The section of pipe between the kerb and the front boundary must be inspected and backfilled as soon as possible after installation.

Drainage

14. An application for sewer connection, plumbing and stormwater drainage must be lodged with and approved by Council before any such work can commence. Only Council can approve such work under s68 of the Local Government Act, 1993. A compliance certificate is required.

Gutter and Footpath Crossings – Dwelling-houses

15. Where kerb and gutter is provided, the driveway entrance to the property shall be a minimum of 500mm clear of all drainage structures on the kerb and gutter and is not to interfere with the existing public utility infrastructure, including Council's drainage structures, without the prior approval of Council. Vehicular gutter and footpath crossings shall be constructed to Council's specification G202605.
16. Where kerb and gutter does not exist, the external driveway to the property shall be constructed in accordance with the following standards:
 - a. an all-weather gravel surface with a minimum compacted pavement thickness of 200mm. This may impede natural stormwater flow. In such cases, a concrete vee drain shall be provided or a 375 diameter concrete pipe shall be placed under the access in line with the table drain complete with concrete headwalls and erosion protection in accordance with SC263734; or

- b. in accordance with G202604; as appropriate according to site conditions.

17. Driveway entrances shall be a minimum of 6m from an intersection kerb return in accordance with "Austroads" Guidelines.
18. Driveways shall comply with Council's specification G202608 for maximum and minimum desirable grades.

Roadworks

19. Council must approve the construction of gutter and footpath crossings and stormwater connection within the road reserve as the roads authority under Section 138 of the Roads Act, 1993. Council shall inspect the levels and formwork prior to pouring concrete. A compliance certificate for the work is required.

Soil and water management

20. Temporary soil and water management controls such as silt fencing, straw bales and contour drains and/or retention ponds, must be implemented prior to earthworks commencing on the site and maintained over course of construction in accordance with Council's guidelines Environmental Protection on Construction Sites, 1993, a copy of which is available from Council offices.
21. Removal or disturbance of vegetation and top soil must be confined to within 3m of the proposed building.

Waste Minimisation and Management

22. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier.
23. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant

receipts. These must be submitted to Council, upon request.

Note: “Waste” has the same meaning as the definition of “Waste” in the Protection of the Environment Operations Act 1997.

Gutter to be kept clear

24. The kerb, gutter and footpath adjoining the site must be kept clear of soil and debris.

Damage to public assets

25. The applicant or the applicant's agent must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

Survey Certificate

26. A survey certificate must be given to the principal certifying authority in the following circumstances:
- a. Where the distance from the building to the side and rear boundaries is within 300mm of the prescribed minimum distance:
 - i. on completion of floor slab formwork before concrete is poured or when foundations walls reach 1.0m in height, detailing the location of the structure to the boundaries; and
 - ii. on completion of the lowest floor, confirming that levels are in accordance with the certificate (which levels must relate to the datum shown on the certificate); and/or
 - b. where the height of the development comes within one (1) metre of the relevant height prescribed by Development Control Plan No. 91.

Water and/or Sewer

Contributions/Requirements

27. A Compliance Certificate under Part 3, Division 2 of the Water Supplies Authorities

Act 1987 shall be obtained to verify that the necessary requirements for the supply of water and sewerage (where applicable) to the development have been made with the Shoalhaven Water before the issue of a subdivision construction and/or occupation certificate.

Disabled Access

28. Access for disabled persons must be provided in accordance with Pt D3 of the BCA and the Disability Discrimination Act, 1992. The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the BCA which references AS1428.1 – “Design for Access and Mobility”. AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

Occupation Certificate

29. An occupation certificate must be issued by the PCA before the building can be occupied or the new use may commence.

Tree Retention

30. Trees not required to be removed to permit the construction of the approved works are to be retained.
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WHAT INFORMATION IS REQUIRED IN THE PLANS AND SPECIFICATIONS?

The following table shows the role of a specification.

<p>Function of a specification:</p> <p>To describe the standard to which a building is to be constructed in terms of structural, operational and aesthetical aspects.</p> <p>The specification will include:</p> <ul style="list-style-type: none"> ▪ a reference to the plans ▪ a description of construction materials, for the: <ul style="list-style-type: none"> ▪ walls, internal/external ▪ floors ▪ windows ▪ roof, including lining ▪ the relevant standards for constructing the following building components: <ul style="list-style-type: none"> ▪ footings/structural elements ▪ timber framing ▪ drainage – water-sewage ▪ oil or solid fuel heating appliances ▪ termite control ▪ fire safety measures, eg FRLs and essential services ▪ wet areas ▪ lighting-ventilation ▪ STC rating ▪ stair construction and balustrades ▪ evidence of any accredited component, process or design to be relied upon, where relevant ▪ site preparation ▪ finishes 	<p>Function of plans:</p> <p>To define the extent of building works by outlining its configuration, use appearance and fire safety provisions.</p> <p>The plans will include:</p> <ul style="list-style-type: none"> ▪ full dimensions, drawn to a suitable scale ▪ a plan of each floor section ▪ a site plan ▪ each elevation of the building ▪ levels of the lowest floor and yard or unbuilt upon area belonging to that floor and the levels of the adjacent ground ▪ the height, design, construction and provision for fire safety and fire resistance ▪ identify any alteration and additions to an existing building ▪ stormwater disposal method ▪ position of roads, access points, car parking spaces. 	<p>Function of supporting information:</p> <p>To supplement the plans and specification, where necessary.</p> <p>Likely examples are:</p> <ul style="list-style-type: none"> ▪ copies of compliance certificates relied upon ▪ if relevant, the provisions made for fire safety and fire resistance construction
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APPENDIX A – Definitions

Advertisement means the use of 2 or 3 dimensional space for the display of symbols; messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, visible in or from a public place, public reserve, navigable water or from the air, whether or not the display includes the erection of a structure or the carrying out of a work, but does not include a traffic sign.

Advertising sign has the same meaning as Advertisement.

Advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

Allotment has the same meaning as site.

Australian Standard means a standard published by the Standards Association of Australia.

Building Code of Australia (BCA) – a uniform set of technical requirements and standards for the design and construction of buildings and other structures throughout Australia.

Building includes a part of a building and any structure or part of a structure, but does not include a moveable dwelling or associated structure or part of a moveable dwelling or associated structure.

Building line means a line on an allotment past which building cannot take place.

Business identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

Category 1 fire safety provision means the following provisions of the BCA, namely EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

Double-sided sign means two signs, back to back, on a single structure, where both sides of the sign are identical in sign face area, dimensions and content.

Election sign means any sign identifying candidates standing at a Local, State or Federal Government election, poll or referendum.

Environmental planning instrument means Shoalhaven Local Environmental Plan 1985; or Illawarra Regional Environmental Plan No. 1; or Jervis Bay Regional Environmental Plan 1996.

Exotic tree means any non-indigenous tree that meets any one or more of the following standards:

- (a) is 3m or more in height; or
- (b) has a girth of 300mm or more at a height of 1m above finished ground level ; or
- (c) has a branch span of 3m or more

Finished ground level means the ground level of the site after the subdivision works are completed and before the first dwelling house on the allotment is constructed.

Fire safety schedule has the meaning ascribed to it in clause 80(1) of the Environmental Planning and Assessment Regulation 1994.

Floor Space Ratio is the ratio of the total gross floor area of all buildings within the site to the site area.

Footpath The hardstand area between private property and the kerbline, whether the area is paved, grassed or concreted.

Gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
 - (b) habitable rooms in a basement, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
-

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

Local development means development, not being exempt development, complying development or State significant development, which is permissible with consent of Council under Shoalhaven Local Environmental Plan 1985.

Native vegetation means any of the following types of vegetation that are indigenous to NSW:

(a) trees (whether living or dead);

(b) understorey plants (shrubs, saplings, climbers);

(c) groundcover plants (grasses, sedges, herbs/forbs); and

(d) plants occurring in wetlands, ponds, creeks or dams.

Occupation certificate means a certificate referred to in Section 109C(1)(c) of the Environmental Planning and Assessment Act 1979.

Primary building line means the front street address of a dwelling.

Property has the same meaning as site.

Public land means any land owned or controlled by Council or the Crown and includes a **public road** and community land.

Public road has the same meaning as in the Roads Act 1993.

Secondary building line means the side street address of a dwelling on a corner allotment.

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling of the roof above, but does not include:

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

Site means a discrete property with a real property description.

Sign has the same meaning as Advertisement.

Shoalhaven Water – Certificate of Compliance – Shoalhaven Water Group of Council as the Water

Supply Authority in Shoalhaven City operating under the Local Government Act, for certain developments require a Certificate of Compliance under Section 64 of the Act that references Section 26 Part 3 Division 2 of the Water Supply Authorities Act 1987. Written application must be made to Shoalhaven Water for a Notice setting out the conditions/ requirements necessary for the issue of a Certificate of Compliance.

Shoalhaven Water – Notice – a notice detailing conditions/requirements for the issue of a Certificate of Compliance (see Shoalhaven Water – Certificate of Compliance)".

Structure (not including an "advertising structure") means a construction, not necessarily roofed, which performs a function or functions requiring rigidity and includes a fence.

Temporary sign means an advertisement for short term promotional purposes that:

a. announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and

b. the event is organised by a charitable organisation, sporting association or public authority; and

c. does not include advertising of a commercial nature (except for the name(s) of an event's sponsor(s)).

Urban zone means any land zoned Residential, Commercial or Recreation under State Environmental Planning Policy (Major Projects) 2005.

APPENDIX B – Abbreviations

AS	Australian Standard
BCA	Building Code of Australia
CDC	Complying Development Certificate
DCP	Development Control Plan
DSCRS	Draft South Coast Regional Strategy 2006-2031
EPAA	Environmental Planning and Assessment Act, 1979
FMA	Fisheries Management Act 1994
IDO	Shoalhaven Interim Development Order No. 1
JBREP	Jervis Bay Regional Environmental Plan, 1997
JBSS	Jervis Bay Settlement Strategy 2003
LEP	Local Environmental Plan
MP	Environmental Planning and Assessment Model Provisions, 1980
PCA	Principal Certifying Authority
Regulations	Environmental Planning and Assessment Regulation, 1994
SEPP	State Environmental Planning Policy
SLEP	Shoalhaven Local Environmental Plan, 1985
WMMP	Waste Minimisation and Management Plan

APPENDIX C – Land to which this Plan applies

