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ORIGINAL + DVIS. WITH  
V.C.E. - PETER MOY.

Our Ref: JMK DA97/47 (O.Min)  
Your Ref:  
Enquiries: Julia Kaul  
Telephone: (042) 216144

- 3 JUL 1997



RECEIVED 9 JUL 1997

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AS  
AMENDED  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION

TO: The General Manager  
Shellharbour City Council  
c/- Walker Corporation  
PO Box A148  
SHELLHARBOUR 2529

COUNCIL OF THE CITY OF SHELLHARBOUR	
FILE REF:	DA
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ACTION LOCATION:	① MAS
FOLLOW UP:	② DED

being the applicant in respect of DEVELOPMENT APPLICATION NO. 97/47 for consent to the following development.

SUBDIVISION CREATING ONE HUNDRED AND SEVENTY SEVEN (177) RESIDENTIAL LOTS, FOUR (4) SUPER LOTS AND TWO (2) PUBLIC RESERVES AND ONE (1) RESIDUE LOT

as shown on the plans endorsed with Council's stamp and attached to DEVELOPMENT APPLICATION NO. 97/47.

PURSUANT to Section 92 of the Act, notice is hereby given of the determination by the consent authority of DEVELOPMENT APPLICATION NO. 97/47 relating to the land described as follows:

LOT 1125, D.P. 866483 COVE BOULEVARDE & LOT 204, D.P. 857030, BUCKLEYS ROAD, SHELL COVE

The development application has been determined by the GRANTING OF CONSENT SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE.

**THE CONDITIONS OF THE CONSENT ARE SET OUT AS FOLLOWS:**

**ENGINEERING REQUIREMENTS**

**General**

- Road and drainage plans, prepared by a suitably qualified Engineer, in accordance with Council's standards, shall be submitted to Council for approval. All road and drainage work shall then be constructed in accordance with Council's construction standards and approval at no cost to Council.
- All lots shall comply with Council's Residential Subdivision Development Control Plan.

All communications  
addressed to:  
**GENERAL MANAGER**  
P.O. Box 155 Shellharbour Square  
Blackbutt 2529  
Telephone: 042 21 6111  
Facsimile: 042 21 6016  
DX 26402 Shellharbour Square

**ADMINISTRATION CENTRE:**  
Lamerton House, Lamerton Cres.  
Blackbutt 2529

**COUNCIL MEETING CHAMBER:**  
Cnr Shellharbour &  
Lake Entrance Roads Warilla

PC PB 31/3  
JY 7/5  
pc Westpac 27/7/98  
100% Recycled paper GC 27/4/98

### Drainage

3. Interallotment drainage shall be provided to dispose of storm water from those allotments which do not have fall to the street to which the lot fronts.
4. Stormwater runoff from the subdivision shall be retarded to predeveloped levels for all storm events between the 20% and the 1% annual exceedence probability flood event. Alternatively, the applicant shall demonstrate that no unacceptable adverse effects to downstream areas are caused by unretarded post-development flows. This issue must be resolved prior to the approval of the engineering plans.
5. A detailed flood study prepared by a suitably qualified civil engineer, registered on NPER-3, shall be submitted to Council with the engineering plans. As a minimum the study and associated plans must address the following:
  - a. the effect of the proposed development on down stream properties and proposed measures to ensure downstream properties are not subject to additional flooding as a result of the development,
  - b. proposed measures to stabilise any bank and bed scour in the existing stream,
  - c. proposed treatments to prevent further bank and bed scour in the existing stream resulting from urban development,
  - d. proposed measures prevent accidental entry where batters or banks exceed a slope of 1 in 5 within the 1 in 100 year ARI flood line,
  - e. flow velocities together with extent of the area inundated by the 1 in 100 year ARI flood,
  - f. proposed measures to prevent litter from being washed into the watercourse from the proposed development.
6. All allotments shall be constructed at or above the 1 in 100 year ARI flood level. All allotments within 500 mm of the 1 in 100 year ARI flood level shall have a restriction placed on the 88B Instrument specifying a minimum floor level of 500 mm above the 1 in 100 year ARI flood level. All levels must be to AHD. Alternatively all lots shall be filled to a level 500 mm above the 1 in 100 year ARI flood level.

### Road Standards

7. The traffic report submitted by R.J. Nairn shall be revised to take into account the potential traffic generated by the land to the east of proposed Road No 26. The revised report shall be submitted in conjunction with the Part XII application.
8. The suitability of any proposed narrowed or meandering carriageways shall be determined in conjunction with the Part XII approval.

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9. The requirement to provide a shareway access to proposed lot 3041, the necessity to dedicate proposed Reserve No. 3 and the location of a pedestrian link to Cove Boulevard shall be addressed upon any future re-subdivision or subsequent development on proposed lot 3041. In this regard the proposed shareway access, Reserve No. 3 and the northern stub of Road No 37 and the shall be consolidated into lot 3041.
10. Road No 26 shall be constructed with an 11.0 m carriageway within a 20.0 m road reserve.
11. Road No 30 shall be constructed with a 9.0 m wide carriageway within a road reserve 18.0 m wide.
12. Traffic calming facilities shall be constructed in Road No 30. In this regard the developer shall submit detailed plans with the Part XII application for referral to and approval of the Shellharbour Traffic Committee.
13. Road No 35, south of Road No 30, shall be constructed with a 6.0 m wide carriageway within a road reserve 12.0 m wide. The remaining section of Road No 35 shall be constructed as a shareway with a 3.5 m wide carriageway within a road reserve 8.0 m wide.
14. Road No 40 shall be constructed within a 15.0 m road reserve. The carriageway width shall be a minimum of 6.0 m wide and shall be determined in conjunction with the Part XII application.
15. Road No 31, No 32, No 33, No 34, No 36, No 37, No 38 and No 39 shall be constructed with a 6.0 m wide carriageway within a road reserve 12.0 m wide.
16. The link between Road No 31 and Road No 35 shall be constructed as a shareway with a 3.5 m wide carriageway within a road reserve 8.0 m wide.
17. Parking bays shall be provided in shareways at a rate one space per three lots. In this regard at least two parking bays shall be provided adjacent to the proposed public reserve opposite lots 3053 to 3056 and at least one parking bay shall be provided adjacent to the proposed public reserve opposite lot 3097.
18. Two parking bays shall be provided in Road No 35 adjacent to the proposed public reserve opposite lots 3092 to 3096
19. The eastern end of Road No 39 shall be extended to serve proposed lot 3023.
20. A link shall be provided between Road No 32 and Road No 31. The link shall be a 2.5 m wide footpath within a 10 m wide public reserve.
21. The geometric design of all roads shall be such as to permit an 11.0 m single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction.

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22. Kerb returns at intersections shall be constructed with a radius of not less than 6.0 m. In this regard the design of kerb returns shall meet the objectives of the AMCORD guidelines.
23. A roundabout shall be constructed at the intersection of Road No 26 and Road No 30. The roundabout shall be designed to cater for future access to the land on the eastern side of Road No 26. Details of the roundabout design shall be submitted by the developer with the Part XII application for referral to and approval of the Shellharbour Traffic Committee.
24. The pavement length of stub roads shall be limited to a length of 30 m.
25. 150 mm barrier kerb and gutter shall be provided in Road No 26, Road No 30 and in other roads adjacent to proposed public reserves. 110 mm Roll Top kerb and gutter shall be provided elsewhere within the development.
26. Wherever 150 mm kerb and gutter is provided, vehicular layback crossings are to be provided to serve each allotment.
27. All street intersections within the development shall have site distance provided in accordance with AUSTRROADS' requirements. A plan showing sight distance cones at the intersection of Road No 26 and Road No 30 and intersection of Road No 30 and 35 shall be submitted with the engineering plans.
28. A 12.0 m wide strip of land dedicated as public reserve shall be created linking Road No 39 and Cove Boulevarde.
29. A 12.0 m wide strip of land dedicated as public reserve shall be created linking Road No 39 and Road No 26.
30. Provision shall be made for a shareway link between Road No 31 and the future Stage 4 development. In this regard, construction of the shareway link may be deferred until Stage 4, however the location of the link must be fixed and shown on the engineering plans submitted with the Part XII application.
31. A pedestrian crossing facility shall be constructed in the Cove Boulevarde median immediately to the east of the Cove Boulevarde-Road No 2 intersection. The pedestrian crossing facility shall link with the pedestrian access point into Road No 39. A detail design of these facilities shall be submitted to the Shellharbour Traffic Committee for approval prior to the release of the Part XII approval.
32. The pavement design for all subdivision roads with traffic loadings less than  $1 \times 10^6$  ESA shall be carried out by a qualified Geotechnical/Civil engineer in accordance with ARRB Special Report No 41 "Into a New Age of Pavement Design", based on test results undertaken by a NATA registered laboratory. The pavement design shall be submitted to Council for approval prior to the release of the engineering plans.
33. The pavement design for all subdivision roads with a traffic loading equal to or

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greater than  $1 \times 10^6$  shall be carried out by a qualified Geotechnical/Civil engineer in accordance with the AUSTRROADS "Pavement Design" manual, based on test results undertaken by a NATA registered laboratory. The pavement design shall be submitted to Council for approval prior to the release of the engineering plans.

**Footpaths and Cycleways**

34. The developer shall submit a cycleway plan for the development, for Council's approval, in conjunction with the Part XII application. Cycleways shall be constructed in accordance with the approved plan at no cost to Council.
35. A 1.2 m wide concrete footpath shall be constructed along one side of Road No 26, Road No 30 and Road No 40 and within the public reserve linking Road No 26 and Road No 39.
36. A 2.5 m wide concrete footpath shall be constructed within the public reserves linking Cove Boulevard to Road No 39 and Road No 31 to Road No 32.

**Geotechnical**

37. A Geotechnical Engineer's report shall be submitted to Council prior to the release of the final plan of subdivision. The report shall include certification of compaction densities and the stability of all filling and the classification of each lot in accordance with the Australian Standard 2870- Residential Slabs and Footings.
38. All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS3798-1990.

**Sediment Control and Water Quality Control.**

39. The developer shall submit a 'Soil and Water Management Plan' for the subdivision which has been endorsed by the District Soil Conservationist and the Environmental Protection Authority. The plans shall generally be prepared in accordance with the Department of Housing's publication "Soil and Water Management Urban Development" and the former Department of CALM's publication "Urban Erosion and Sediment Control". The soil and water management plan must also include specific measures for the control of dust generated as a result of construction activities on site. A copy of the Soil and Water Management plan, endorsed by the District Soil Conservationist, shall be lodged prior to the release of the Part XII application.
40. The developer shall lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved Soil and Water Management Plan. This bond shall be in the form of an irrevocable bank guarantee made out in favour of Council, and shall operate as follows:
  - a. The bond shall be submitted to Council prior to the release of the engineering plans for the subdivision.

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- b. The bond shall be held by Council until the expiration of the six months maintenance period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads.
  - c. Should Council advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.
41. The developer shall obtain a license from the EPA under Section 17K of the Pollution Control Act, 1970 for the subdivision. A copy of the license shall be submitted to Council with the Part XII application.
42. The developer shall obtain a Part 3A permit from the Department of Land and Water Conservation under the Rivers and Foreshores Protection Act for the subdivision. A copy of the permit shall be made available to Council prior to the release of the Part XII application.
43. Runoff from the subdivision shall be drained through water pollution control facilities so that the quality of the water discharging into the receiving waters downstream of the facility meets the requirements of the Environment Protection Authority and the Department of Land and Water Conservation.
44. A detailed water quality study prepared by a suitably qualified civil engineer, registered on NPER-3, shall be submitted to Council with the Part XII application. As a minimum the study and associated plans must address Pond 4 and Pond 5 in relation to the following:
- a. the water quality design parameters and assumptions,
  - b. an assessment of the hydrological and hydraulic performance of the ponds during the 1 in 100 year ARI flood and the PMF,
  - c. an assessment of the maintenance requirements.
45. The developer shall give Council a written undertaking that the developer will advise all prospective purchasers that subject to any necessary Ministerial Consent, Council intends to impose a special rate to cover the cost of maintaining the water pollution control facilities and the extraordinary cost of maintaining open space and streetscape facilities. Evidence of the undertaking shall be submitted to Council prior to the release of the final plan of subdivision.

**Utility Services**

46. Water and sewerage services shall be provided to all proposed lots. In this regard

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the developer shall submit a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water to Council prior to the release of the final plan of subdivision.

47. Electricity shall be provided to all proposed lots. In this regard the developer shall submit written advice to Council from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied prior to the release of the final plan of subdivision.
48. Telephone service shall be provided to all proposed lots. In this regard the developer shall submit written advice to Council from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied prior to the release of the final plan of subdivision.
49. Lots affected by new or existing services shall be burdened with easements and restrictions on the use of land to the satisfaction of Council, Sydney Water and Integral Energy.
50. The developer shall submit written advice to Council from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied prior to the release of the final plan of subdivision.

**Noise Exposure**

51. A noise assessment report, prepared by a suitably qualified professional, shall be submitted to Council with the Part XII application. The noise impact issue must be resolved prior to the release of the Part XII approval. As a minimum the report must address and investigate:
  - a. measures to generally achieve a  $LA_{10(18\text{hour})}$  noise level of 63 dBA throughout the development for the worst case traffic projections.
  - b. a combination of measures to achieve the required to attenuation measures to comply with the intent of the current noise guidelines of  $LA_{10(18\text{hour})}$  noise level of 63 dBA for those lots adjacent to Cove Boulevard and Shellharbour Road. Where restrictions or specified noise proofing building standards are proposed, a draft 88B instrument shall be submitted with the report.
52. Detail design plans of the attenuation measures together with certification of the design by a qualified acoustic consultant that the acoustic attenuation measures will achieve the  $LA_{10(18\text{hour})}$  noise level of 63 dBA shall be submitted in conjunction with the Part XII application.
53. Lots 3043 to 3052 shall be consolidated into a super lot and no further development of this lot, lot 3041 and lot 3042 shall occur until the developer can demonstrate how the  $LA_{10(18\text{hour})}$  noise level of 63 dBA can be achieved within these lots.

### Final Plan

54. The developer shall submit a satisfactory final plan of subdivision, a reproducible copy, an electronic copy and fifteen paper prints together with an original 88B Instrument and two paper copies for Councils endorsement. The electronic copy shall be in IS coordinates and shall be submitted in ASCII II or DXF format.
55. Corner lots shall have splay corners with the minimum splay being 4.0 m back on each boundary.
56. All intended reserves, roads, pathways and drainage easements are to be dedicated to Council.
57. Survey control permanent marks shall be installed in all new roads by a registered surveyor, levelled to Australian Height Datum, and connected to the nearest allotment corner. The number of control marks shall be at least two per sheet of subdivision plan. A letter shall be submitted in conjunction with any final plan of subdivision specifying the AHD level of all permanent marks that have been placed or found.
58. A restriction shall be created over the lots with direct frontage to Shellharbour Road and Cove Boulevard to prevent vehicular access to or from Shellharbour Road and Cove Boulevard.
59. A restriction shall be created over proposed lot 3023 to prevent vehicular access to or from Road No 26.
60. A restriction as to user shall be placed on the 88B Instrument creating an interallotment drainage easement, 1m (minimum) wide, over all interallotment drainage pipelines.
61. A Work As Executed Plan shall be submitted to Council by a Registered Surveyor, prior to the release of the final plan of subdivision. As a minimum, the plan shall show:
  - a. The extent, depth and final levels of filling,
  - b. The location of all underground service conduits,
  - c. All deviations from the approved Civil Engineering Plans,
  - d. The location of interallotment drainage connections,
  - e. The volume of water quality control ponds,
  - f. Batter slopes within dual use open space drainage reserves,
  - g. Approved road names.

### Public Reserves

62. Public Reserve areas shall be planted with trees and shrubs to Council's satisfaction and at the applicant's cost. In this regard the applicant shall submit a detailed landscape plan and specifications to Council for approval. Landscaping is to be completed to Council's satisfaction prior to the registration of the final plan of subdivision. Landscaping shall be maintained for 6 months.

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63. No trees shall be removed from the site without specific Council consent. In this regard consent will only be granted at this stage for removal of trees for road construction.
64. All allotments adjoining public reserves shall be fenced by the developer prior to the release of the final plan of subdivision. The fencing shall be timber lap and cap or weldmesh in accordance with Council's fencing code. Alternative materials may be considered upon application to and approval by Council.
65. All areas to be dedicated as public reserve shall be cleared of noxious weeds prior to dedication.

**TOWN PLANNING REQUIREMENTS**

**Landscaping and Site Facilities**

66. Street tree planting at the rate of one tree per two allotments shall be carried out on all streets within the development. Such trees shall be advanced trees with a minimum pot size of 50 litres and a nominal height ranging from 2.5m to 3.0m. In this regard, the developer shall submit to Council for approval a list of species to be used. All planting shall be carried out prior to the release of the final plan of subdivision and at the developer's expense.
67. A master plan for the provision of passive open space for Stages 3 and 4 shall be submitted with the Part XII application. In this regard the master plan shall:
  - a. Identify the public reserve to be provided on the knoll to the south of Stage 3;
  - b. Identify the major linear open space link to the south of Stage 3;
  - c. Identify pedestrian and cycleway linkages for Stage 3 and the adjacent open space networks; and
  - d. Identify the location of at least one playground with a minimum area of 1,000m<sup>2</sup> which is within 400m walking distance of all lots within Stage 3.
68. Design details of the playground referred to in Condition No. 67(d) including playground equipment shall be submitted to Council in conjunction with the Part XII application for the proposal.
69. A minimum of 8,438.4m<sup>2</sup> of passive open space shall be dedicated to Council at the applicant's expense.

**Bonds and Contributions**

70. A cash contribution shall be lodged with Council in lieu of the dedication of 7,383.6m<sup>2</sup> of land for active open space not provided for within the subdivision. The cash payment shall be equal to the average price per square metre of land suited to recreational uses and/or vacant residential land in the Local Government

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Area and shall be paid prior to the release of the final plan of subdivision.

As an alternative, works to Council's specifications may, subject to agreement, be undertaken at the Shadforth active open space site or other agreed sites, in stages to Council's requirements.

71. A contribution under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, for the sum of \$6,184.09 per lot created shall be lodged with Council prior to the release of the final plan of subdivision for the provision of community facilities and services in accordance with Council's Third Review Section 94 Contributions Management Plan dated 17 July, 1996 which was prepared in accordance with Section 94AB of the Act.

The Contributions Management Plan may be inspected at Council's Technical Services Division, Lamerton House, Lamerton Crescent, Blackbutt.

72. The Section 94 contribution set out in the above conditions and any capital contributions for works that may be specified elsewhere in this consent shall be recalculated in accordance with movements in the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Non-Dwelling Construction (IPD), published by the Australian Bureau of Statistics. The recalculation shall be in accordance with the following formula:

$$C_p = C_c \times \frac{I.P.D._p}{I.P.D._c}$$

Where

$C_p$  = Contribution at date of payment.

$C_c$  = Contribution at date of consent (as specified in the relevant Condition of Consent).

$IPD_p$  = Latest published Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Non-Dwelling Construction, at the date of payment.

$IPD_c$  = Latest published Implicit Price Deflator for Gross Fixed Expenditure - Private Non-Dwelling Construction, at the date of granting of consent.

**General Requirements**

71. The developer shall provide a list of preferred street names for Council's consideration with the Part XII application for this proposal.

72. No consent is implied or given for any future development on the subject property. All future stages of this development shall require separate development consent.

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***REASONS FOR THE IMPOSITION OF CONDITIONS***

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

***SUPPLEMENTARY ADVICE***

**Engineering**

1. In regard to Conditions No 1, No 52 and No 62;
  - a. The minor stormwater drainage and interallotment drainage system shall be designed for an average recurrence interval of 1 in 10 years. The major stormwater drainage system shall be designed for an average recurrence interval of 1 in 100 years.
  - b. The landscaping plans, the civil design plans and noise attenuation barrier details shall be approved concurrently by Council officers and neither shall be approved in isolation.
  - c. The minimum acceptable footpath reserve width in access places and access streets is 2.0 m.
  - d. Certification from the service authorities concurrence to the reduced footpath width shall be submitted with the Part XII application.
2. In regard to Condition No 8,
  - a. any design of a reduced width carriageway and shareway must demonstrate adequate provision for parking together with satisfactory facilities for the manoeuvring of heavy vehicles and waste collection.
  - b. the width of the Road No 32 reserve may be reduced to 8.0 m between proposed lots 3139 and 3143 subject to the submission of satisfactory engineering plans.
3. In regard to Condition No 15, subject to satisfactory engineering plans being submitted Council will consider permitting that part of Road No 31 adjacent to the linear reserve to be constructed as a shareway.

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4. In regard to Condition No 39; the Soil and Water Management Plan shall include:
  - a. A programme for the progressive stabilisation of the site;
  - b. A programme for the treatment/flocculation of sediment ponds including time frame and proposed chemical dosage;
  - c. specific measures to control dust.
5. In relation to Condition No 54;
  - a. Council encourages the lodgement of a preliminary copy of the final plan of subdivision and 88B Instrument for comment as early as possible.
  - b. All sections of the 88B instrument, the Council Certificate section of the plan, the signatures and seals section of the plan, including the original and copies, (except for the date and signature) shall be completed prior to lodging the plan.
  - c. Immediately prior to lodging the final plan please contact Council to obtain a File No and a Subdivision No.
6. A catchment based water quality and stream design strategy will be an essential component of the development application for subsequent stages. Further, the preparation of detail design plans for approval of Council, EPA and DLWC will be a condition of subsequent development approvals.
7. This consent is a Development Consent under the provisions of the Environmental Planning and Assessment Act, 1979 as amended, and that it will now be necessary to obtain subdivision approval under Part XII of the Local Government Act 1919, as amended. In this regard it will be necessary to submit the following:
  - a. A subdivision application form,
  - b. Five paper prints or copies of the subdivision plan,
  - c. Fees appropriate at the time of submission of the application,
  - d. All documentation required by this consent.

**Town Planning**

8. Should the developer wish to stage the development of Stage 3, staging plans shall accompany the initial Part XII application in order that Council may assess the conditions of this consent appropriate at each stage.
9. The applicant should liaise with the Manager - Planning Services regarding the development of a development control plan for the Shell Cove Estate. In this regard it should be noted that separate development control plans for each stage of the

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estate is not considered appropriate.

10. The proposed super lots, prior to being developed, will require separate development approval. In this regard, the development application should comply with Council's Residential Infill Development Control Plan or any other subsequent development control plan.
11. Sydney Water (Illawarra Branch) may require a contribution towards new water and sewerage services or amplification of the existing system for the development, the subject of this consent.
12. Integral Energy may require a capital contribution to be paid towards making electricity supply available to the development.
13. Council will require lots to be set aside in future stage(s) for the purpose of child care facilities. In this regard, a minimum land area of 1,700m<sup>2</sup> will be necessary for each of the child care facilities required.
14. With regard to Condition 64 the alternate fencing types previously agreed to by Council for Stages 1 and 2 of the development are considered acceptable for Stage 3.
15. Embellished street furniture similar to that approved for Stages 1 and 2 is considered acceptable for Stage 3.

**- 3 JUL 1997**

Endorsement of date of consent .....

**NOTES:**

1. To ascertain the date upon which the consent becomes effective, refer to Section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse, refer to Section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve (12) months after receipt of this notice.
4. Notwithstanding that this consent is issued under the Environmental Planning and Assessment Act, 1979, the provisions of a restrictive covenant, agreement, instrument or other statutory provision may prevent the development which is the subject of this consent. The applicant should seek independent legal advice in this regard prior to acting on the consent.
5. The plans and/or conditions of this consent are binding and may only be varied upon written request to Council under section 102 of the Environmental Planning and

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Assessment Act, 1979. The request shall be accompanied by the appropriate fee and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.



G H Mitchell  
MANAGER - DEVELOPMENT SERVICES

on behalf of B A Weir, General Manager

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