

RECEIVED 9 AUG 2004

5 AUG 2004

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**
*Environmental Planning and Assessment Act, 1979,
As amended*



The Manager
Australand Holdings
PO Box A148
SHELLHARBOUR 2529

Under Section 96 of the Act, notice is hereby given of the determination by the consent authority of the application to amend Development Consent No. 270/2001 relating to the land described as follows:

LOT 1, DP 883196 & LOT 1200, DP 864021, BUCKLEYS ROAD,
SHELL COVE

and being development described as follows:

RESIDENTIAL SUBDIVISION – STAGE 5

as shown on the plans endorsed with Council's stamp and attached to
AMENDED DEVELOPMENT CONSENT NO. 270/2001 (Pt 2).

Being:

1. **Increase in area of Lot 5140**
2. **Deletion of Condition No. 46**
3. **Modification of Condition No. 68**

The Application for Amendment has been determined by the
GRANTING OF AMENDMENT OF CONSENT SUBJECT TO THE
CONDITIONS SPECIFIED IN THIS NOTICE.

The conditions of consent are set out as follows:

**CONSTRUCTION CERTIFICATE (SUBDIVISION) & PCA
NOTIFICATION**

1. The person having the benefit of the development consent must:
 - a. Obtain a construction certificate (subdivision) from Shellharbour City Council or an Accredited Certifier (S81A); and
 - b. Appoint a Principal Certifying Authority (S81A).

All communications

addressed to:

GENERAL MANAGER

PO Box 155 Shellharbour Square

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour Square

Email: records@shellharbour.nsw.gov.au

Web: www.shellharbour.nsw.gov.au

ADMINISTRATION CENTRE:

Lamerton House, Lamerton Cres.

Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla



LEGISLATION

2. The subdivision must be carried out in strict conformity with the plans, specifications and conditions approved by Council.
3. This consent is a development consent under the provisions of the *Environmental Planning and Assessment Act, 1979, as amended*, and it will now be necessary to obtain a Construction Certificate (Subdivision). In this regard, it will be necessary to submit the following:
 - a. An application for a Construction Certificate (Subdivision).
 - b. Five paper prints or copies of the relevant subdivision plan.
 - c. Fees appropriate at the time of submission of the application.

FINAL PLAN

4. Prior to the release of the final plan of subdivision it will be necessary to obtain a Subdivision Certificate. In this regard it will be necessary to submit the following:
 - i. An application for a Subdivision Certificate.
 - ii. A satisfactory final plan of subdivision, an electronic copy and five paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy shall be in ISG coordinates and shall be submitted in DXF format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) shall be completed prior to lodging the plan.
 - iii. Fees appropriate at the time of submission of the application.

ENGINEERING

General

5. All lots shall comply with Council's Residential Development Control Plan. In this regard, all lots must satisfy Council's minimum lot size of 450m².
6. Road and drainage plans for the subdivision, prepared by a suitably qualified Engineer and in accordance with Council's Standards, shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All road and drainage work shall then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.

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7. A site meeting with the Principal Certifying Authority, DLWC, the applicant and the contractor shall be held not less than 7 days prior to the commencement of work on site.
8. A set of approved engineering plans shall be kept on site at all times during the construction phase.
9. The developer shall maintain the road and drainage works for a defects liability period of six months from the date of registration of the final plan of subdivision.

Drainage

10. Interallotment drainage shall be provided to dispose of storm water from those allotments, which do not have fall to a public road. In this regard, no stormwater shall be permitted to be discharged into public reserves, particularly Lots 5087 to 5091.
11. Stormwater drainage and interallotment drainage shall be designed for the critical flood event with an average recurrence interval of 1 in 5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years shall be over public land.
12. The grading and layout of all roads and lots shall be such as to ensure the absence of trapped low points and to ensure that overland flow is passed safely over public land.
13. Stormwater runoff from the subdivision shall be retarded to pre-developed levels for all flood events between the 20% and the 1% annual exceedance probability flood event. Alternatively the applicant shall demonstrate that the development will not result in increased discharge or increased downstream flood levels.
14. The developer shall submit detailed creek works plans and landscape plans together with the flood study for the approval of both Council and DLWC. These plans shall be submitted with the Construction Certificate Application and shall indicate how the existing creek channel will be treated to meet safety requirements and reduce the risk of scour and subsequent gully head erosion and bank undercutting. The creek works plan, landscape plan and flood study must take into account the ultimate development of the site and upstream areas and as a minimum 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,

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- c. Proposed treatments to prevent further bank and bed scour in the existing stream resulting from urban development,
 - d. Proposed measures to 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.
15. The impact of the Probable Maximum Flood (PMF) in relation to the performance of all bridging structures, overflow paths and its impact on filled areas and finished floor levels shall be assessed. The objective of this assessment is to ensure that the impacts of the PMF are properly managed. Details to be submitted with the Subdivision Construction Certificate Application
 16. A Flood Evacuation and Disaster Management Plan is to be prepared in consultation with the SES and this shall be incorporated into Council's DISPLAN and shall include impact considerations of the Farm Dam, Major Detention Basin No. 1 and Watercourse No. 1 including PMF. Details to be submitted with the Subdivision Construction Certificate Application
 17. All concrete stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council shall be installed generally to the HS3 standard in accordance with the current edition of AS 3725 and the Concrete Pipe Association of Australia publication "Concrete Pipe Selection and Installation".
 18. All concrete pipes within road reserves and within drainage easements intended to be dedicated to Council shall be inspected by CCTV. A copy of the CCTV inspection shall be recorded on video tape and submitted to Council prior to the release of the final plan of subdivision or placement of final seal on roads, which ever occurs earlier. Damaged pipes shall either be replaced or repaired to Council's satisfaction prior to the release of the final plan of subdivision.
 19. 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 500mm above the 1 in 100 year ARI flood level.
 20. The applicant shall submit a completed Basic Dam Data Form for the Farm Dam and Major Detention Basin No 1 to the New South Wales Dam Safety Committee and the approval submitted to the Principal Certifying Authority.

Road Standards

21. All roads and road intersections within the development shall have sight distance provided in accordance with AUSTROADS requirements.
22. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features shall be such as to permit an 11.0m single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction.
23. Road No 58 shall be constructed with a minimum 9.0m wide carriageway within a road reserve 18.0m wide. (Also see Condition No. 43.)
24. Road Nos 503 & 505 shall be constructed with an 8.0m wide carriageway within a road reserve 15.0m wide.
25. Road Nos 501, 502, 504, 506, 509, 510 & 511 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
26. Road No's 507, 512, 513 & the link road fronting lots 5099 to 5102 shall be constructed with a 3.5m wide carriageway within a road reserve 8.0m wide. Parking spaces shall be provided along the shareway at the rate of one space per three dwellings.
27. Road No. 508 shall be constructed with an 8.0m wide carriageway within a road reserve 15.0m wide between Road Nos. 503 & 505. The remainder of Road No. 508 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
28. Kerb returns at intersections shall be constructed with a radius of not less than 6.0m. In this regard the design of kerb returns shall meet the objectives of the AMCORD guidelines.
29. A roundabout shall be constructed at the intersection of Road No 58 and Road No 503. The roundabout shall be designed to cater for future access to the land on the southern side of Road No 58. Details of the roundabout design shall be submitted to and approved by Council.
30. Details of the proposed connection of Road No. 58 to the Southern Cross Boulevard roundabout shall be submitted to and approved by Council.
31. 150mm barrier kerb and gutter shall be provided in Road No 58 and in other roads adjacent to proposed public reserves and the proposed school site. 110mm Roll Top kerb and gutter shall be provided elsewhere within the development. The transition from 150mm kerb to roll kerb from Road No. 58 to Road No 503 shall not commence prior to the end of the roundabout splitter island and pedestrian refuge respectively.
32. Wherever 150mm kerb and gutter is provided, vehicular layback crossings are to be provided to serve each allotment.

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33. 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. 58 and Road No 503 shall be submitted with the engineering plans.
34. The pavement design for the proposed roads 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" and AUSTRROADS "A guide to the Structural Design of Road Pavements", 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.
35. Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill shall be performed at the rate of one test per 50m of pipeline with not less than two tests in any section of pipe exceeding 25m in length.
36. Services conduits shall be placed across carriageways prior to the placing of any pavement material. In this regard a copy of the services plans shall be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings shall be under bored.
37. Insitu density tests shall be performed by a NATA registered laboratory on the sub-grade, sub-base and base as directed by Council.
38. Benkelman beam testing on all new internal subdivision roads shall be performed in a manner satisfactory to Council prior to final plan release. Council's acceptance criteria is based on the tolerable deflections given in Figure 29 of ARRB Special Report No 41 "Into a New Age of Pavement Design" and AUSTRROADS "A guide to the Structural Design of Road Pavements".
39. Sub-pavement drainage shall be installed on the high side of all roads, where the sub-grade is below natural surface level and elsewhere as directed by the Principal Certifying Authority.
40. All thresholds/traffic calming shall be designed in accordance with appropriate standards and guidelines, taking into account the requirements set by RTA Technical Direction 98/6.
41. A sign and linemarking diagram including recommended speed zonings shall be submitted for consideration to the Local Traffic Committee prior to the release of the construction certificate.
42. Work shall not be carried out within any existing public road reserve unless a Road Opening Permit under the *Roads Act, 1993* has been issued by Council for every opening of the public reserve. An application fee of \$64 applies as per Council's Revenue Policy.

Access Bridge

43. The main access bridge across "Watercourse No. 1" linking Road 58 with Southern Cross Boulevard shall maintain a minimum trafficable deck width of 8.0m to accommodate two lanes and an adjacent pathway. The width of the pathway shall be a minimum of 2.5m. The main access bridge shall be constructed with a minimum 300mm of freeboard between the flood surface and the underside of the bridge deck (for all storm events up to and including the 1 in 100 year event). The bridge must be able to withstand the impact of an extreme flood event (PMF).
44. Detailed plans shall be submitted with the Construction Certificate of the proposed bridge. The details shall include physical measures to contain vehicles within the causeway such as kerb and gutter and/or guide posts. Similar measures such as a handrail may need to be considered for the pedestrian pathway. Additionally, the plans shall include all proposed signposting and linemarking to be used for the formal approval of Council.

Footpaths and Cycleways

45. The developer shall submit a footpath/cycleway plan for the development, for Council's approval, in conjunction with the Construction Certificate. Footpaths/cycleways shall be constructed in accordance with the approved plan at no cost to Council. Details to indicate the method of treatment to permit pedestrians and cyclists to cross Southern Cross Boulevard at the point of connection will need to be submitted with the Construction Certificate.
46. Deleted.
47. The developer shall submit a proposal for a footpath/cycleway within the Watercourse No. 1 Reserve for the connection of Road No. 58 and Southern Cross Boulevard, for Council's approval, in conjunction with the Construction Certificate. The footpath/cycleway shall be constructed in accordance with the approved plan at no cost to Council.
48. Disabled access ramps shall be provided for all intersections of the pathways with a public road and within the roundabout splitter islands on Road 58 in accordance with AS 1428.1-1995 or subsequent amendment. The location of the disabled access ramps and the crossing point shall be reviewed to take into consideration pedestrian and cyclist desire lines and in particular sight distance requirements. Wherever possible, the crossing point should be as close as possible to the intersection.

Geotechnical

49. A Geotechnical Engineer's report shall be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report shall be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and shall include:

- a. certification of compaction densities and the stability of all filling,
 - b. the classification of each lot in accordance with the Australian Standard 2870- Residential Slabs and Footings,
 - c. the classification of each lot in relation to risk of slope instability, and
 - d. the required site preparation and construction constraints within the building envelope of each lot appropriate to the assessed risk of slope instability.
50. All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS 3798-1990.
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Sediment Control and Water Quality Control

51. The developer shall submit a "Soil and Water Management Plan" for the subdivision which has been endorsed by the Catchment Manager, Wollongong, Department of Land & Water Conservation and the Environment Protection Authority. The plans shall generally be prepared in accordance with the Department of Housing's publication "Managing Urban Stormwater - Soils and Construction (1998)" and the former Department of CALM's publication "Urban Erosion and Sediment Control". A copy of the Soil and Water Management plan, endorsed by the Catchment Manager, Wollongong, DLWC, shall be lodged prior to the release of the Construction Certificate. 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 frames and proposed chemical dosage;
 - c. Specific measures to control dust generated as a result of construction activities on site.
52. Temporary sediment ponds shall be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
53. 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.
 - b. Council shall hold the bond 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 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.
54. 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.
 55. 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 water pollution control facilities. Evidence of the undertaking shall be submitted to the Principal Certifying Authority with the Subdivision Certificate Application.

Utility Services

56. Water and sewerage services shall be provided to all proposed lots. In this regard the developer shall submit a Compliance Certificate under Section 73 of the *Sydney Water Act 1994* from Sydney Water to the Principal Certifying Authority with the Subdivision Certificate Application.
57. 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.
58. 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 with the Subdivision Certificate Application.
59. Integral Energy may require a capital contribution to be paid towards making electricity supply available to the development.
60. 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 with the Subdivision Certificate Application.
61. 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 with the Subdivision Certificate Application.

62. 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.

Noise Exposure

63. Detail design plans of the attenuation measures, including sound barriers and façade treatments, shall be submitted in conjunction with the Construction Certificate Application. Certification of the design by a qualified acoustic consultant, that the acoustic attenuation measures will achieve the noise level required by the EPA Industrial Noise Policy in accordance with the "Assessment of Environmental Noise Impacts of Quarry Haul Road" report by Acoustic Logic Consultancy Pty Ltd, shall also be submitted in conjunction with the Construction Certificate Application.

Final Plan

64. Corner lots shall have splay corners with the minimum splay being 4.0m back on each boundary.
65. Prior to lodging the Construction Certificate Application and engineering plans, the applicant shall arrange a meeting with Council's Subdivision & Development Officers at which the applicant shall demonstrate that the engineering plans and Construction Certificate Application are complete and comply with Council's design standards and this Development Consent. Should the Construction Certificate Application or engineering plans be incomplete, Council will reject the application and engineering plans.
66. All proposed public reserves, roads, pathways and drainage easements must be dedicated to Council at the time of registration of the subdivision certificate and must ensure that there are no residual lots which would compromise the connectivity of the land to be dedicated in future stages.
67. 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.
68. A satisfactory 3.0m wide restriction as to user, prohibiting the siting of habitable buildings, shall be created over those lots adjacent to an acoustic barrier. The width of the restriction as to user must not be varied unless agreed to in writing by Council.
69. A restriction shall be placed on the 88B Instrument creating an interallotment drainage easement, 1m (minimum) wide, over all interallotment drainage pipelines.

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70. Lots, which are affected by new or existing services and drainage infrastructure, shall be burdened with easements and restrictions on the use of the land to the satisfaction of Council, Sydney Water and Integral Energy.
71. A satisfactory Work As Executed Plan and documentation shall be submitted to the Principal Certifying Authority by a Registered Surveyor, with the Subdivision Certificate Application. If Council is not the PCA, a copy of these plans must be forwarded to Council.

As a minimum the Works As Executed 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,
- h. Certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement,
- i. Location of subsoil drainage lines.
- j. The extent and depth of flooding.
- k. Details must be shown for flooding and filling in DXF format with attributes for flooding and fill depths at defined points.

Public Reserves

72. 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 revised 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. The landscaping plans, the civil design plans and noise attenuation barrier details shall be designed and assessed concurrently and neither shall be approved in isolation.

Prior to the finalisation of the landscape plan, a meeting shall be held with Council's Manager Parks & Recreation.

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73. The applicant shall submit a detailed irrigation plan to Council for approval prior to commencing any landscaping works.
 74. 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.
 75. All allotments adjoining public reserves or the school site 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.
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76. All areas to be dedicated as public reserve shall be cleared of noxious weeds prior to dedication.

Street Lighting

77. All street lighting must comply with Integral Energy Street Lighting Policy and illumination requirements. Plan to be submitted to council prior to the release of the construction certificate

Street Names

78. Proposed street names must be submitted for Council's consideration for all new public and private roads proposed as part of this development.

The submission must include the:

- Reasons for/or background/history to the names and estate theme.
- An A4 size plan of the street layout with proposed names and road numbers if applicable.
- Fees in accordance with Council's Revenue Policy.

TOWN PLANNING REQUIREMENTS

Landscaping & Site Facilities

79. 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.
80. Embellished street furniture similar to that approved in earlier stages of the Shell Cove Estate is considered acceptable for Stage 5.

Bush Fire Access

81. A 10 metre wide fuel free zone shall be established between the rear boundaries of Lots 5087 to 5091 and the pegged remnant vegetation limit. An adjustment to lot sizes will be required to achieve the above width.
82. A 6 metre wide fire trail must be constructed within the area referred to in Condition No. 81 and must be to the satisfaction of the Fire Control Officer.
83. Any car parking bays required in conjunction with shareways must be located clear of the pegged remnant vegetation limit.

Bonds & Contributions

84. A contribution of \$543,654.08 must be paid to Council under Section 94 of the *Environmental Planning & Assessment Act, 1979, as amended*, towards the provision of community facilities and services in accordance with Council's *Fifth Review Section 94 Contributions Management Plan* (Dated 6 December 2000) prior to the issue of a Subdivision Certificate adjusted in accordance with Condition No. 85.

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued.

The *Fifth Review Section 94 Contributions Management Plan* may be inspected at Shellharbour City Council's offices, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

85. The Section 94 contribution set out in the above conditions will be recalculated in accordance with movements in the *Chain Price Index for Non-Dwelling Building and Construction* (CP), published by the *Australian Bureau of Statistics*. The recalculation shall be in accordance with the following formula:

$$C_p = C_b \times \frac{CP_p}{CP_c}$$

Where

C_p = Contribution rate at date of payment.

C_b = Base contribution rate as specified in Council's *Fifth Review Section 94 Contributions Management Plan*.

CP_p = Latest published *Chain Price Index for Non-Dwelling Building and Construction* at the date of payment.

CP_c = Latest published *Chain Price Index for Non-Dwelling Building and Construction*, at 6 December 2000.

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86. In accordance with the provisions of Council's *Fifth Review Section 94 Contributions Management Plan* (Dated 6 December 2000), 6030m² of passive open space is to be dedicated to Council free of cost to cater for the open space needs of this development.

In order to meet this requirement Areas 1 & 2 on Drawing No. 01060-15-602 REV B shall be embellished and dedicated to Council. Details of embellishment must be submitted for consideration, when the Subdivision Certificate for this proposal is lodged.

The *Fifth Review Section 94 Contributions Management Plan* may be inspected at Shellharbour City Council's offices, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

87. No consent is given or implied for any future development on the subject land. All future stages of this development shall require separate development consent from Council.
88. The proposed super lot, 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.
89. Lots 5024 and 5033 shall be withheld from sale until such time as the extension of Road 58 to Stage 6 has been constructed in order to provide satisfactory vehicular access to those lots.
90. A restriction must be placed on Lots 5000 to 5005 and Lots 5087 to 5091 requiring dwelling designs to incorporate a living area orientated to the north.

DEPARTMENT OF LAND & WATER CONSERVATION (DLWC)

Integrated Development

91. The Department of Land & Water Conservation (DLWC) has determined that a 3A Permit is required in relation to this development.

Part 3A Permit

92. The work to which these general terms of approval apply **is not to commence** until a formal permit under Part 3A of the *Rivers & Foreshores Improvement Act 1948* has been issued from DLWC.
93. A Part 3A Permit, generally consistent with the consent Authority's Conditions of Consent, will be issued for the proposed works **upon application**.
94. A permit will be generally granted for a period of 12 months from the date of formal issue. If the works are incomplete during this period, consideration can be given to renew/extend the permit. Any application for renewal or an extension of time must be lodged three months prior to the expiry date.

95. To issue a Part 3A Permit, DLWC will require a formal application form to be completed. This application must be supported with three sets of drawings, consisting of plans, long sections, cross sections and detailed engineering plans a detailed Riparian & Vegetation Management Plan to facilitate the preparation of a Part 3A Permit. Such plans shall be consistent with the concept design as described in the Statement of Environmental Effects by Don Fox Planning dated April 2001.
96. The Riparian Management Plan (RMP) referred to in Condition No. 95 shall include the following:
- a. Plans showing in detail the existing creek channel, riparian corridor, vegetation and geomorphic features.
 - b. Plans showing in detail the proposed creek channel, riparian corridor, vegetation and geomorphic features.
 - c. Detailed plans of any channel modification and stabilisation works.
 - d. A longitudinal section of the existing and proposed creek channel bed in sufficient detail to identify changes in bed level and hydraulic features (ie pools and riffles).
 - e. Details of any proposed/existing stormwater discharge points into the riparian corridor.
 - f. Details of the design and location of proposed water quality control devices that will treat stormwater prior to discharge.
 - g. Cross sections of the riparian corridor showing both existing and proposed ground surface levels.
 - h. Details on the staging or sequencing or works.
 - i. A Vegetation Management Plan (VMP) shall be incorporated into the RMP that shows:
 - i. Methods of weed removal and control – all exotic vegetation should be removed.
 - ii. Revegetation – include plant species, location, structure, and floristic composition, methods for planting, site preparation and site stabilisation.
 - iii. Site and vegetation maintenance requirements including the establishment phase (and longer term requirements).
 - iv. Aquatic and semi-aquatic plant species (including location and planting density).

- v. Staging and sequency details for above tasks (eg. Gantt chart).
 - vi. A monitoring and performance evaluation program (including replacement of plant losses).
 - j. The RMP shall also include a separate report that describes how the plan and works are to be implemented (including staging of works and management of interface areas where works are yet to commence), in addition to providing a clear and concise description of proposed ongoing management/management practices.
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- 97. A Soil & Management Plan for the works is to be prepared by a suitably qualified person and submitted with the 3A Permit application. The Plan is to meet the requirements outlines in the NSW Department of Housing's "*Managing Urban Stormwater: Soils & Construction*" (*Blue Book – 1998*).
 - 98. Any stormwater outlet to the creek is to be stabilised to prevent any erosion or scour to the bank or bed of the watercourse.
 - 99. If in the opinion of DLWC any work is being carried out in such a manner that it may damage or detrimentally affect the watercourse, the operation on that section of the watercourse shall cease immediately upon oral or written direction from DLWC.
 - 100. Operations shall be conducted in such a manner as not to cause degradation or exacerbate existing erosion of "protected lands" on the site or "protected lands" upstream and/or downstream of the development site. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation to these areas.
 - 101. Compliance with all the Part 3A Permit conditions is the sole responsibility of the permit holder and the owner or occupier of the land.
 - 102. If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of DLWC. If the necessary works are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.
 - 103. Any Part 3A Permit granted is not transferable to any other person or company and does not apply to operations at any other site.
 - 104. These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown Land should contact DLWC's office at Nowra.
 - 105. To issue a Part 3A Permit, DLWC will require full details on land ownership and owner's consent for the lands on which works are to be carried out. This information must be supplied with the application documents.

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- 106. The applicant shall also include a copy of Council's consent conditions with all other Part 3A application documentation.
- 107. Work is to be carried out in accordance with any approvals or conditions imposed by Council and/or other government agencies.

REASONS FOR THE IMPOSITION OF CONDITIONS

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

6 DEC 2001

Endorsement of date of consent.....

NOTES:

- 1. This amended Development Consent replaces the consent originally given to you and any other amendment.
- 2. Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice of \$600 being issued against the owner/applicant/builder.
- 3. If you are unsure of the date, which this consent becomes valid, refer to Section 83 of the Act.
- 4. To find out the date this consent will lapse, refer to Section 95 of the Act.
- 5. If you are dissatisfied with any decision of this consent, then you have the right to appeal to the Land & Environment Court.

You must do this within 60 days after the receipt of this notice.

- 1. Even though 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. You may wish to seek independent legal advice in this regard prior to acting on the consent.

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2. You are advised that the plans and conditions of this consent must be complied with and you may only vary them if you make a written application, pay the correct fee and we give you written approval to amend the application.



Graham H Mitchell
Manager, Development Services

on behalf of Brian A Weir, General Manager
