

- 3 APR 2002

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



RECEIVED - 4 APR 2002

Shellharbour City Council
C/- 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. 98/93 (Pt 3) relating to the land described as follows:

LOT 2, DP 883196 & LOT 3000, DP 813075 BUCKLEYS ROAD,
SHELL COVE

and being development described as follows:

RESIDENTIAL SUBDIVISION

as shown on the plans endorsed with Council's stamp and attached to
AMENDED DEVELOPMENT CONSENT NO. 98/93 (Pt 4)

being re-subdivision of proposed Lot 4537 into 4 lots.

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:

LEGISLATION

1. The subdivision must be completed in strict conformity with the plans and specifications approved by Council (enclosed herewith) and the conditions hereon specified and in compliance with the requirements of the Environmental Planning Instruments, Local Government Act 1993, and Council's Codes and Policies.

All communications

addressed to:

GENERAL MANAGER

P.O. Box 155 Shellharbour Square

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

.DX 26402 Shellharbour Square

ADMINISTRATION CENTRE:

Lamerton House, Lamerton Cres.

Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla



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ENGINEERING REQUIREMENTS

General

2. 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. In this regard, the minor stormwater drainage and interallotment drainage systems 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.
3. All lots shall comply with Council's Residential Development Control Plan.
4. 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.

Drainage

5. Interallotment drainage shall be provided to dispose of storm water from those allotments that do not have fall to the street to which the lot fronts.
6. Stormwater runoff from the subdivision shall be retarded to predeveloped levels for all storm events between the 20% and the 1% annual exceedance 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 release of the Part XII approval.
7. A detailed flood 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 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 method of control and disposal of surface water generated across Shellharbour Road from the catchment upstream of Stage 4. In this regard, the proposed noise attenuation fence will create a barrier to the flow of surface water and this will need to be channelled either

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- through this development or directed to the haul road/Killalea roundabout.
- c. proposed measures to stabilise any bank and bed scour in the existing stream,
 - d. proposed treatments to prevent further bank and bed scour in the existing stream resulting from urban development,
 - e. 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,
 - f. flow velocities together with extent of the area inundated by the 1 in 100 year ARI flood,
 - g. proposed measures to prevent litter from being washed into the watercourse from the proposed development.
8. All allotments shall be constructed at or above the 1 in 100 year ARI flood level. All allotments within 500mm of the 1 in 100 year ARI flood level shall have a restriction placed on the 88B Instrument specifying a minimum floor level of 500mm 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.

Road Standards

- 9. Road No. 26 shall be constructed with an 10.0m carriageway within a 19.0m road reserve. Consideration will be given to the road reserve being reduced to 16.0m through the reduction of the southern verge to 1.5 m as it abuts the riparian corridor/watercourse subject to the submission of satisfactorily detailed plans.
- 10. Road No. 41 shall be constructed with a 9.0m wide carriageway within a road reserve 18.0m wide between Road No's 26 & 42. The remainder of Road No. 41 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
- 11. Details shall be submitted to Council for approval verifying the priority and the proposed method of treatment of the Road No. 41 and 42 intersection, including the transition of the kerb in Road No. 41 from the wide to narrow section.
- 12. Road No. 42 shall be constructed with a 9.0m wide carriageway within a road reserve 18.0m wide between Road No's 26 & 47. The remainder of Road No. 42 shall be constructed with an 8.0m wide carriageway within a road reserve 15.0m wide.

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13. Road No. 43 shall be constructed with an 8.0m wide carriageway within a road reserve 15.0m wide.
14. Road No. 47 shall be constructed with an 8.0m wide carriageway within a road reserve 15.0m wide between Road No's 42 & 50. The remainder of Road No. 47 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
15. Road No's 35, 44, 44A, 45, 46, 46A, 48, 50, 51, 53, 54, 55 & 56 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
16. Road No. 57 shall be constructed with a 6m wide carriageway within a road reserve 10.5m wide. Footpath reserves of 3m width shall be created on the southern side adjoining the allotments and 1.5m wide on the northern side adjoining Shellharbour Road.
17. Details shall be submitted to Council with regard to the proposed Causeway linking Stage 4 with Stage 3 between Road No. 46A and Road No. 31. Details shall indicate the proposed method by which vehicular access to the reserve will be denied and the method of treatment of the pedestrian/cyclist crossing point.
18. The proposed stub extension of Road No. 57 east of Road No. 35 into Public Reserve 2 shall be deleted.
19. The stub ends of Road No's 44, 46 & 55 shall be constructed either with a 4.0m radius bulb as shown on attached Sketch Plan No. 98/93/1 or the conventional 6.0m wide stub. The use of a 4.0m radius stub is preferred to facilitate improved access to end allotments, in particular those with small frontages.
20. A pedestrian refuge island shall be constructed in Road No. 42 at its intersection with Road No. 26. Detailed plans shall be submitted to the Council for approval.
21. The geometric design of all roads shall be such as to permit an 11.0 single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction.
22. 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.
23. A roundabout shall be constructed at the intersection of Road No 26 and Road No 41. 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 to and approved by Council.
24. Details of the proposed connection of Road No. 26 to the existing Pioneer Quarry haul road/ Killalea State Recreation Area roundabout shall be submitted to and approved by Council.

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25. The pavement length of stub roads shall be limited to a length of 30m.
26. 150mm barrier kerb and gutter shall be provided in Road No 26 and in other roads adjacent to proposed public reserves. 110mm Roll Top kerb and gutter shall be provided elsewhere within the development. The transition from 150mm kerb to roll kerb from Road No. 26 to Road No's 41 and 42 shall not commence prior to the end of the roundabout splitter island and pedestrian refuge respectively. Alternatively, barrier kerb shall be provided in Road No. 41 between Road No's 26 and 42 and Road No. 42 between Road No's 26 and 47.
27. Wherever 150mm kerb and gutter is provided, vehicular layback crossings are to be provided to serve each allotment.
28. All street intersections within the development shall have sight distance provided in accordance with AUSTRROADS requirements. A plan showing sight distance cones at the intersection of Road No. 26 and Road No's 41 & 42 and the intersection of Road No. 41 and 42 shall be submitted with the engineering plans.
29. The pavement design for all subdivision roads with traffic loadings less than 1×10^6 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.
30. The pavement design for all subdivision roads with a traffic loading equal to or greater than 1×10^6 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.
31. All 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'.
32. 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 Council prior to the placement of pavement material. Alternatively, the services crossings shall be under bored.
33. Insitu density tests shall be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.

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34. Benkelman beam testing on all new 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".
35. Sub-pavement drainage shall be installed on the high side of all roads and at other locations where the free sub-surface drainage of the pavement is restricted.
36. A set of approved engineering plans shall be kept on site at all times during the construction phase.

Footpaths and Cycleways

37. 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.
38. A 1.2m concrete footpath shall be constructed along one side of Road No 26, Road No 41 between Road No's 26 & 42, Road No 42, Road No 43, Road No 47 between Road No's 42 & 50 and Road No 56 between Road No's 35 & 43.
39. The developer shall submit a proposal for a footpath/cycleway within Reserve 1 for the connection of Road No. 35 and Road No. 26, for Council's approval, in conjunction with the Part XII Application. A connection to the footpath/cycleway shall be made to coincide with Road No. 45 within Stage 4 and the proposed pathway within adjoining Stage 3 required by Condition No. 20 for Consent No. 97/47. The footpath/cycleway shall be constructed in accordance with the approved plan at no cost to Council.
40. Details shall be submitted with the Part XII Application to indicate the method of treatment to permit pedestrians and cyclists to cross Southern Cross Boulevard at the point of connection of the footpath/cycleway within Reserve 1 with Road No. 26. The details shall be submitted to and approved by Council.

Geotechnical

41. 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.
42. All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS3798-1990.

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Sediment Control and Water Quality Control

43. The developer shall submit a Soil and Water Management Plan for the subdivision that 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 Part XII approval. The Soil and Water Management Plan shall include:
 - a. A program for the progressive stabilisation of the site;
 - b. A program 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.
44. Temporary sediment ponds shall be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
45. 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. The bond shall be held by Council until the expiration of the six (6) 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.

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46. The developer shall obtain a licence from the EPA under Section 17K of the Pollution Control Act, 1970 for the subdivision. The documentation supporting the application for Approval should include a copy of the Soil and Water Management plan and detailed design drawings and calculations of the temporary basins proposed in the Hydrologic Report by Gutteridge Haskins and Davey dated October 1998. A copy of the licence shall be submitted to Council with the Part XII Application.
47. 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 development of the western gully. The documentation supporting the application for a Permit should include a copy of the Soil and Water Management plan and a hydrogeological report that demonstrates baseline groundwater flows will be sustained and be capable of being delivered to the main public reserve drainage line (south of Roads 47/50) and the western basin (south of Road 26) proposed in the Hydrologic Report by Gutteridge Haskins and Davey dated October 1998. A copy of the 3A permit shall be submitted to Council with the Part XII Application.
48. 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.
49. 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 entire watercourse/creek from its northern limit to the southern boundary of the Shellharbour Golf Course. The documentation supporting the application for a Permit should include a catchment wide strategy to address the hydrological and water quality changes in all watercourses within the Shell Cove development. In relation to Stage 4, detailed creek design specifications shall be submitted for the entire watercourse from its northern limit to the southern boundary of the Shellharbour Golf Course. A copy of the 3A permit shall be made available to Council prior to the commencement of any works within the watercourse unless otherwise agreed in writing by Council. All works shall be completed prior to the release of the final plan of subdivision unless otherwise agreed in writing by Council.
50. A site meeting with Council's Engineer, EPA, DLWC, the applicant and the contractor shall be held not less than seven (7) days prior to the commencement of work on site.

Utility Services

51. 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 Water Board (Corporatisation) Act 1994 from Sydney Water to Council prior to the release of the final plan of subdivision.

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52. 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.
53. 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.
54. 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.
55. 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

56. A noise assessment report, prepared by a suitably qualified professional, shall be submitted to Council with the Part XII Application. As a minimum the report must address and investigate:
 - a. measures to generally achieve a LA10(18hour) noise level of 63 dBA throughout the development for the worst case traffic projections.
 - b. a combination of measures to achieve the required noise attenuation to comply with the intent of the current noise guidelines of LA10(18hour) noise level of 63 dBA for those lots adjacent to Shellharbour Road and those lots on Southern Cross Boulevard affected by the existing Pioneer Quarry haul road. Where restrictions or specified noise proofing building standards are proposed, a draft 88B instrument shall be submitted with the report.
57. 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 LA10 (18hour) noise level of 63 dBA shall be submitted in conjunction with the Part XII Application.

Final Plan

58. The developer shall submit a satisfactory final plan of subdivision, a reproducible copy, an electronic copy and five paper prints together with an original 88B Instrument and two (2) paper copies for Councils endorsement. The electronic copy shall be in ISG coordinates and shall be submitted in DGN, DWG or DXF format. In this regard,

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- 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 Number and a Subdivision Number.
59. Final plan release fees shall be paid by the applicant prior to the release of the final plan of subdivision. The fee payable shall be that applicable at the time of final plan release.
 60. All stormwater 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.
 61. Corner lots shall have splay corners with the minimum splay being 4.0m back on each boundary.
 62. 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.
 63. All intended reserves, roads, pathways and drainage easements are to be dedicated to Council.
 64. 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.
 65. A restriction shall be created over the lots with direct frontage to Shellharbour Road to prevent vehicular access to or from Shellharbour Road.

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66. A restriction shall be created over proposed Lot 4118 and partially over proposed Lot 4117 to prevent vehicular access to or from Southern Cross Boulevard (Road No 26). The restriction shall apply fully to Lot 4118. With regard to Lot 4117, access shall be denied to all but 14.97m from the eastern boundary, being the common boundary to the proposed public reserve. This incorporates the 9.02m arc length and the 5.95m boundary length.
67. A satisfactory restriction shall be created over those lots adjacent to an acoustic barrier prohibiting the construction of any gate or other opening in the acoustic barrier.
68. A restriction shall be placed on the 88B Instrument creating an interallotment drainage easement, 1m (minimum) wide, over all interallotment drainage pipelines.
69. 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 together with certification by a Geotechnical Engineer that the filling has been performed in accordance with the plans and specifications.
 - 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.
70. Lots 4021, 4022, 4023 and 4024 and Lot 4025 if necessary, shall be recast so that Lot 4022 has legal and practical access to the public road.

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Public Reserves

71. 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. 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.
72. The applicant shall submit a detailed irrigation plan to Council for approval prior to commencing any landscaping works.
73. 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.
74. 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.
75. All areas to be dedicated as public reserve shall be cleared of noxious weeds prior to dedication.

TOWN PLANNING REQUIREMENTS

Landscaping and Site Facilities

76. 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.
77. Embellished street furniture similar to that approved in earlier stages of the Shell Cove Estate is considered acceptable for Stage 4.

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Bonds & Contributions

78. A contribution of \$724,522.01 (\$4,057.12 per lot) 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. 79.**

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.

79. 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.

Open Space

80. Details shall be provided with the Part XII subdivision application for the proposal indicating how the following open space is to be provided for the proposed lots:

- i. Parkland – 8010m².

in accordance with Council's requirements for the provision of open space.

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81. Details shall be provided with the Part XII subdivision application for this proposal that shows the location of all passive open space areas that are to be provided within proposed Reserves 1 and 2. This shall include 6,466.4m² for stage 3 and that outlined in Condition No. 80 above. This matter shall be resolved to the satisfaction of Council prior to the release of the final plan of subdivision.
82. A strip of land, minimum width 2m adjacent to the proposed acoustic barrier on Shellharbour Road shall be dedicated to Council as public reserve and shall be landscaped to soften the visual impact of the acoustic barrier. In this regard, a plan showing the proposed landscaping shall be submitted with the Part XII subdivision application for the proposal.

General

83. Proposed street names shall be submitted for Council's consideration with the Part XII application for all new roads proposed as part of this subdivision. This shall include reasons for or background/history to the proposed names and an A4 sized plan of the street layout.
84. 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.
85. 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.
86. 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.
87. Integral Energy may require a capital contribution to be paid towards making electricity supply available to the development.
88. Prior to the release of the final plan of subdivision, the developer shall relocate the 33KV transmission line which runs parallel to Shellharbour Road so that it is clear of the residential allotments. In this regard, the developer shall liaise with Integral Energy regarding the way in which this may be achieved. Details shall be submitted with the Part XII subdivision application for this proposal.

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.

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- 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.

Endorsement of date of consent 23/07/2009

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 sixty (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.
- 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