

13 FEB 2004

**NOTICE TO APPLICANT OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

*Environmental Planning and Assessment Act, 1979,  
As amended*



The Manager  
Australand Holdings Ltd  
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. 63/2003 relating to the land described as follows:

LOT 7222, DP 1044382 & LOTS 207 & 208, DP 857031, CONDOR DRIVE, SHELL COVE

and being development described as follows:

**60 LOT TORRENS TITLE SUBDIVISION**

as shown on the plans endorsed with Council's stamp Development Application No. 62/2003 and attached to AMENDED DEVELOPMENT CONSENT NO. 63/2003 (Pt 2).

**Being modification of Condition 76.**

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

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



**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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- b. Appoint a Principal Certifying Authority (S81A).

**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. Four 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 six paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy must be in ISG coordinates and must be submitted in DXF, DWG or DGX 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) must be completed prior to lodging the plan.
  - iii. Fees appropriate at the time of submission of the application.
5. Electricity must be provided to all proposed lots. In this regard the developer must submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.
6. Telephone service must be provided to all proposed lots. In this regard the developer must submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.

**Development Application No. 63/2003(Pt 2)**

**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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7. Lots affected by new or existing services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority, Sydney Water and Integral Energy.
8. The developer must submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.
9. A restriction must be placed on the 88B Instrument creating an interallotment drainage easement and easement for services, 1m (minimum) wide, over all interallotment drainage pipelines and services. Favourable consideration will be given by Council to remove this easement if services and drainage are mutually exclusive.

**GENERAL**

10. Consent for this development is conditional upon satisfactory arrangements with Sydney Water (Illawarra Branch) for the provision of adequate facilities for water supply and the removal or disposal of sewage.

In this regard, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 132092.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate.

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. As Torrens Title subdivision is proposed Sydney Water should be consulted with regard to the need for separate services to be provided for each lot.
13. Integral Energy may require a capital contribution to be paid towards making electricity supply available to the development.

## TOWN PLANNING

### Density of Superlot

14. Superlot 8060 must achieve a minimum residential density of 14.5 dwellings per hectare in accordance with the Shell Cove Structure Plan Review prepared by LFA (Pacific) Pty Ltd dated March 2000.

### Street Tree Landscape Plan

15. Two copies of a street tree landscape plan, must be submitted for assessment by Council for approval prior to the release of the Subdivision Construction Certificate. The landscape plan must be prepared in accordance with the requirements as set out in Council's document entitled *Landscape Guidelines*, available from Council's Operations & Services Division.
16. The minimum requirements for the landscape plan required by Condition No. 15 are:
  - i. The name and qualifications of the person preparing the plan (minimum qualification generally horticulture certificate unless otherwise approved by Council).
  - ii. A title block.
  - iii. Scale of the plan.
  - iv. Landscape schedule indicating plant symbol, botanical names, planting densities and existing vegetation.
  - v. Landscaped site plan showing existing vegetation to be retained and proposed additional planting to scale.
  - vi. Time schedule for street tree planting.
  - vii. Our Landscape Technical Officer has assessed the indicative street tree schedule and makes the following recommendations:
    - a. Omit *Acacia binervata* as this species is short lived and is not suitable to be used for a street tree.
    - b. Omit *Melaleuca stypheloides* as this species is not suitable for use as a street tree.
    - c. Omit *Pittosporum undulatum* as this species has been declared an environmental weed in the Shellharbour area.
    - d. As *Baloghia inophylla* consists of copious amounts of sap, which is flammable, it is preferred that an alternative species is selected.
    - e. All street trees located on entry roads are to be fitted with three H4 Treated Pine Bollards, Grooved Top Bollards placed in a triangle fashion and a watering pipe per tree.
    - f. Street trees for internal roads are to be fitted with hardwood stakes and watering pipes.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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**Interim Bush Fire Protection Measures**

17. A 20m wide interim slashed fire break should be established and maintained around all external allotments in Stage 8A that do not abut a perimeter road. Within the slashed break grass height is to be kept below 20cm. The slashed break will provide sufficient fire protection from radiant heat and will provide adequate suppression opportunities in the event of an approaching grass fire.

**Padmount Sub-Stations**

18. Should padmount sub-stations be incorporated into corner allotments, a restricted building zone must be created 3 metres from the unit. A restriction as to user must be placed on the 88B instrument limiting structures within this zone to only those that achieve a minimum FRL 120/120/120.

**Construction Phase**

19. During the subdivision construction phase all heavy machinery shall not be permitted to access the site via any existing residential areas. No spoil shall be permitted on roadways deposited from trucks importing/exporting fill. An agreed route shall be negotiated prior to the release of the Construction Certificate.

**Bonds & Contributions**

20. A contribution of \$243,509.77 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. 22.

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.

21. In accordance with the provisions of the *Environmental Planning & Assessment Act, 1979, as amended*, and Council's Fifth Review Section 94 Contributions Management Plan (Dated 22 December 2000), 2655m<sup>2</sup> of open space is required to cater for the passive open space needs of this development. As the required open space cannot be provided on site a cash contribution of \$39,825.00 shall be paid in lieu of its provision, in accordance with Council's Fifth Review Section 94 Contributions Management Plan (Dated 22 December 2000) prior to the issue of a Subdivision Certificate for this proposal.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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

22. 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.

## **ENGINEERING REQUIREMENTS**

### **General**

23. All lots must comply with Council's Residential Development Control Plan.
24. Road and drainage plans for the subdivision, prepared by a suitably qualified Engineer and in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All road and drainage work must then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.
25. Engineering plan checking fees must be paid by the applicant prior to the release of the engineering plans. The fees payable must be that applicable at the time of engineering plan release.
26. Construction inspection fees must be paid by the applicant prior to the commencement of work on site. The fees payable must be that applicable at the time of commencement of work on site.
27. A site meeting with the Principal Certifying Authority, DLWC, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.

**Development Application No. 63/2003(Pt 2)**

**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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28. A set of approved engineering plans must be kept on site at all times during the construction phase.
29. The developer must 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**

30. Interallotment drainage must be provided to dispose of storm water from those allotments, which do not fall to a public road.
31. Stormwater drainage and interallotment drainage must, as a minimum, 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 conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years must be over public land.
32. The grading and layout of all roads and lots must be such as to ensure the absence of trapped low points and to ensure that overland flow is passed safely over public land.
33. The developer must submit a detailed flood study, prepared by a suitably qualified Civil Engineer registered on NPER-3, in conjunction with the Subdivision Construction Certificate. As a minimum the report must investigate:
  - a. The extent of inundation on the site caused by the 1 in 100 year ARI flood.
  - b. How the 1 in 100 year ARI flood can be safely passed through the site both in the short term and long term.
  - c. Any staging of development required to satisfy flood detention requirements.
34. 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 must 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
35. All developable allotments must be constructed at or above the 1 in 100 year flood level. All allotments within 500mm of the 1 in 100 year level must have a restriction as to user placed on the 88B Instrument specifying a minimum floor level of 500mm above the 1 in 100 year flood level. All levels must be related to Australian Height Datum. Alternatively, all allotments must be filled to a level 500mm above the 1 in 100 year flood level.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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36. All concrete stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must 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".
37. All concrete pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be recorded on video tape and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate or placement of final seal on roads, which ever occurs earlier. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of a Subdivision Certificate.

**Road Standards**

38. All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.
39. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must 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
40. Road No. 801, between Road No. 804 and Road No. 13 (South), must be constructed with an 8m wide carriageway and 3.5m (minimum) wide footpath reserves each side, within a 15m (minimum) wide road reserve. The section of Road No. 801 between Road No. 804 to its termination must be constructed with a 6m wide carriageway with 3.0m (minimum) wide footpath reserves each side, within a 12m road reserve (minimum). The continuation of Road No. 801 south of Road No. 13 abutting the wetland must be constructed with a 6m wide carriageway with a 1.5m (minimum) wide footpath reserve adjacent to the wetland and 3.0m (minimum) wide footpath reserve on the subdivision side.
41. Road No. 13 (South) must be constructed with an 8m wide carriageway with 3.5m (minimum) wide footpath adjacent to the lots and 1.5m (minimum) wide footpath adjacent to the public reserve within a 13m (minimum) wide road reserve.
42. Road No. 13 (North) must be constructed with a 6m wide carriageway with 3.0m (minimum) wide footpath reserves each side, within a 12m road reserve (minimum). The road reserve to be reduced to remainder of Road No. 801, where it abuts the future reserve/wetland.
43. Road Nos 802, 803 & 805 must be constructed with 6m wide carriageways with 3.0m (minimum) wide footpath reserves each side, within a 12m road reserve (minimum).
44. Road No 804 must be constructed with an 8m wide carriageway and 3.5m (minimum) wide footpath reserves each side, within a 15m road reserve (minimum).

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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45. Kerb returns at intersections must be constructed with a radius of not less than 6.0m. In this regard the design of kerb returns must meet the objectives of the AMCORD guidelines.
46. 150mm barrier kerb and gutter must be provided adjacent to the public reserves. 110mm Roll Top kerb must be provided elsewhere within the subdivision. Council will consider roll top kerb adjacent to public reserves subject to satisfactory landscape works preventing vehicular access to public reserve areas.
47. Wherever 150mm kerb and gutter is provided, vehicular layback crossings must be provided to serve each allotment.
48. A temporary turning head and barrier posts must be provided at the end of each terminating road at the boundary of each stage of construction such as to permit an 11.0m single unit truck to manoeuvre in order to enter and leave the road travelling in a forward direction and without leaving the carriageway.
49. The vertical and horizontal alignment of all streets and all street intersections within the development must have site distance provided in accordance with AUSTROADS' requirements.
50. The pavement design for all subdivision roads must be carried out by a qualified Geotechnical/Civil engineer in accordance with AARB Special Report No 41 "Into a New Age of Pavement Design" and AUSTROADS "A guide to the Structural Design of Road Pavements" based on test results undertaken by a NATA registered laboratory. The pavement design must be submitted to the Principal Certifying Authority for approval prior to the laying of pavement material.
51. Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill must 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.
52. Services conduits must be placed across carriageways prior to the placing of any pavement material. In this regard a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.
53. Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base in accordance with Council's Codes and Standards.
54. Benkelman beam testing on all new internal subdivision roads must be performed in accordance with Council's Codes and Standards prior to the release of the Subdivision Certificate. The 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 AUSTROADS "A guide to the Structural Design of Road Pavements".

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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55. Sub-pavement drainage must be installed on the high side of all roads, where the subgrade is below natural surface level and elsewhere as directed by the Principal Certifying Authority.
56. All thresholds/traffic calming must be designed in accordance with appropriate standards and guidelines, taking into account the requirements set by RTA Technical Direction 2001/04.
57. A sign and linemarking diagram must be submitted for consideration to the Local Traffic Committee prior to the release of the subdivision certificate.
58. Work must 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.

**Footpaths & Cycleways**

59. The footpath must be installed in accordance with the approved Footpath/Cycle Master Plan. Therefore a 1.2m wide concrete footpath should be constructed along one side of Road Nos. 804, 13 and 801 between Road Nos. 804 & 13.
60. Disabled access ramps must be provided at all intersections of pathways with public road in accordance with AS 1428.1-1995 or subsequent amendment. The location of the disabled access ramps and the crossing point must 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 kerb return tangent points.

**Geotechnical**

61. All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.
62. A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must 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 Footings and Slabs or subsequent amendments,
  - 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.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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**Sediment Control & Water Quality Control.**

63. Runoff from the subdivision must be drained through water pollution control facilities so that the quality of the water discharging into the receiving waters downstream of the facility is at least as good as the water quality from the site prior to development. This condition can be satisfied by, but not necessarily limited to, the construction of a suitable pollution control pond within the site.
64. The developer must submit a 'Soil & Water Management Plan' for the subdivision which has been endorsed by the Catchment Manager, Wollongong, Department of Land & Water Conservation and the Environmental Protection Authority. The plans must 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 & Water Management Plan, endorsed by the Catchment Manager, Wollongong, DLWC, must be lodged prior to the release of the Construction Certificate. The Soil and Water Management Plan must 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.
65. Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
66. The developer must install litter interception measures at the stormwater outlets from the site. All costs associated with the installation of the litter interception measures must be borne by the developer. The proposed litter interception measures must have all of the following characteristics:
  - a. Treat not less than 95% of the catchment for the design stormwater discharge, which represents 25% of the 1 in 1 year ARI discharge.
  - b. Capture 100% of the particulate matter and litter in the stormwater discharge larger than 2 mm for the design discharge.
  - c. Not permit trapped matter to be washed out or re-suspended during stormwater discharges greater than the design discharge.
  - d. Be easily accessed, maintained and cleaned using plant and equipment commonly in use by Shellharbour City Council.

**Development Application No. 63/2003(Pt 2)**

**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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67. The developer must 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 must be in the form of an irrevocable bank guarantee made out in favour of Council, and must operate as follows:
- a. The bond must be submitted to Council prior to the release of the engineering plans for the subdivision.
  - b. The bond must 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 must 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.
68. The developer must give Council a written undertaking to 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 and landscaping. Evidence of the undertaking must be submitted to the Principal Certifying Authority with the Subdivision Certificate Application.

**Noise Exposure**

69. An acoustic barrier not less than 2.2m high must be erected along the rear boundaries of Lots 8015 – 8017. Detail design plans of the attenuation measures must be submitted in conjunction with the Construction Certificate Application.
70. All sound barriers must be designed by a suitably qualified Engineer and certified to be satisfactory for the expected loadings, including wind loading, in accordance with Australian Standard AS 1170 - 2002 or subsequent amendments.
71. Details of the fencing to be erected by the developer at the rear of the boundaries of Lots 8018–8024, abutting Council's Cemetery, must be submitted prior to the release of the Construction Certificate.

**Final Plan**

72. All intended reserves, roads, pathways and drainage easements are to be dedicated to Council.

**Development Application No. 63/2003(Pt 2)**

**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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73. Survey control permanent marks must 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 must be at least 2 per sheet of subdivision plan. A letter must also be submitted in conjunction with any final plan of subdivision specifying the AHD level of all permanent marks that have been placed or found.
74. A Work As Executed Plan must be submitted to the Principal Certifying Authority by a Registered Surveyor, with the Subdivision Certificate application. As a minimum, the plan must 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.
75. Corner lots must have splay corners with the minimum splay being 4.0m back on each boundary.
76. No trees must 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 and those other trees identified and recommended for removal by Council's Tree Management Officer.

**Street Lighting**

77. All street lighting must comply with Integral Energy Street Lighting Policy and illumination requirements. A street lighting plan must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. All costs associated with the installation of street lighting must be borne by the developer.

**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 are in accordance with Council's Revenue Policy

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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79. All proposed street signs must be in accordance with Council's Street Name Sign Policy.

**DEPARTMENT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES (DIPNR)**

**Integrated Development**

82. The Department Of Infrastructure, Planning & Natural Resources (DIPNR) has determined that a 3A Permit is required in relation to this development.

**General Terms Of Approval (GTA) & 3A Permit**

83. The Department Of Infrastructure, Planning & Natural Resources (DIPNR) have combined the General Terms of Approval (GTA) and 3A Permit for this development.
- a. These conditions apply only to the works granted on this site, under the subject development application.
  - b. Works are to be carried out in accordance with the plans presented to the Department Of Infrastructure, Planning & Natural Resources (DIPNR) for the subject development application.
  - c. All works proposed must be designed, constructed and operated so they minimise sedimentation, erosion and scour of the banks or bed of the watercourse/foreshore and adverse impacts on aquatic and riparian environments.
  - d. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained, for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse/foreshore environment. These control measures are to be in accordance with the requirements of Council or the consent authority and best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" Manual (1998) – the 'Blue Book'.
  - c. This permit is issued for works on FREEHOLD land only. This permit is null and void for any works on Crown Land.
  - d. Rehabilitation of the area in accordance with the permit conditions or any direction from DIPNR is the responsibility of the permit holder and owner or occupier of the land.
  - e. Works as executed survey plans of a professional standard and including information required by DIPNR on request.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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- f. If, in the opinion of a DIPNR Officer, any activity is being carried out in such a manner that they may damage or adversely affect the stream or foreshore environment, then all work shall cease immediately upon oral or written direction of such an officer.
- g. If these permit conditions are breached, the permit holder shall immediately restore the site in accordance with these conditions and any other necessary remedial actions as directed by DIPNR. If any breach of the permit conditions requires a site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.

***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.

**29 JUL 2003**

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.

**Development Application No. 63/2003(Pt 2)**  
**Lot 7222, DP 1044382 & Lots 207 & 208, DP 857031, Condor Drive, Shell Cove**

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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.
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