

**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 NSW 2529

19 DEC 2005

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. 335/2004 relating to the land described as follows:

LOT 5243, DP 1050004 & LOT 7300, DP 1060603,
HINCHINBROOK DRIVE, SHELL COVE

and being development described as follows:

12 LOT RESIDENTIAL SUBDIVISION, TWO PUBLIC RESERVES
AND TWO RESIDUAL LOTS – STAGE 7C

as shown on the plans endorsed with Council's stamp and attached to
AMENDED DEVELOPMENT CONSENT NO. 335/2004 (Pt 2).

Being:

- 1. Modification of Condition No. 10 relating to Asset Protection Zones.**
- 2. Modification of Condition No. 21 relating to creek works.**
- 3. Modification of Condition No. 52 in relation to street tree sizes.**
- 4. Modification of Condition No. 62.**
- 5. Deletion of Condition Nos. 67 & 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:

All communications

addressed to:

GENERAL MANAGER

PO Box 155

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour City Centre

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



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)
 - 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.

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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 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.
10. Deleted – DA No. 335/2004 (Pt 2)
- 10a. Modified – DA No. 335/2004 (Pt 2)

A restriction must be placed on the 88B instrument for proposed Lots 7406, 7410, 7411 and 7412 providing building setbacks within each lot to achieve a minimum 20m Asset Protection Zone measured from the surveyed existing remnant vegetation, in accordance with the Bushfire Assessment Report prepared by Bushfire & Environmental Services (dated 19 February 2004).

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

GENERAL

12. 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.

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the *Your Business* section of the web site www.sydneywater.com.au then follow the *e-Developer* icon or telephone 13 2092 for assistance.

Following application a *Notice of Requirements* will advise of 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.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying authority prior to release of the plan of subdivision.

13. 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.
14. 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.
15. Road and drainage plans, prepared by a suitably qualified engineer, in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval. All road and drainage work must then be constructed in accordance with Council's Construction Standards and Approval at no cost to Council.
16. Engineering plan checking 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.
17. 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

18. Interallotment drainage must be provided to dispose of storm water from those allotments which do not have fall to a public road.
19. 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.
20. 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.
21. Deleted – DA No. 335/2004 (Pt 2)
- 21a. Modified – DA No. 335/2004 (Pt 2)

The developer must submit detailed creek works plans and landscape plans for the approval of the Principal Certifying Authority. These plans must be submitted with the Construction Certificate Application and must indicate how the existing creek channels will be treated to meet safety requirements and reduce the risk of scour and subsequent gully head erosion and bank undercutting through the construction of the road and culvert. The creek works plan and landscape plan must take into account the ultimate development of the site (upstream / downstream areas) and as a minimum must address the following:

- a. Proposed measures to stabilise any bank and bed scour in the existing stream both upstream and downstream of the proposed bridge. Hydraulic modeling (such as HEC-RAS) must show that the proposed works will have no significant impact on existing velocities and water levels within the creek as a result of the access bridge/culvert.

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- b. Proposed location and treatments to prevent further bank and bed scour in the existing stream resulting from urban development providing relevant justification.
 - c. How the 1 in 100 year ARI flood can be safely passed through the site both in the short term and long term.
22. 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'.
23. 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 Council prior to the release of the final plan of subdivision or placement of final seal on roads, which ever occurs earlier. Damaged pipes must either be replaced or repaired to Council's satisfaction prior to the release of the final plan of subdivision.

Road Standards

24. All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.
25. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit an 12.5m single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway.
26. Road Nos. 713 & 713a must be constructed with a 6m wide carriageway and 3.0m (minimum) wide footpath reserves each side, within a 12m road reserve (minimum).
27. Kerb returns at intersections must be constructed with a radius of not less than 6m. In this regard, the design of kerb returns must meet the objectives of the AMCORD guidelines.
28. 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.
29. The vertical and horizontal alignment of all streets and all street intersections within the development must have site distance provided in accordance with AUSTRROADS' requirements.

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30. The pavement design for the proposed roads must 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 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 Council for approval prior to the laying of pavement material.
31. 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.
32. Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.
33. Benkelman beam testing on all new internal subdivision roads must 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 AUSTROADS *A Guide to the Structural Design of Road Pavements*.
34. 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.
35. Concrete accessways 3.5m wide must be constructed for the full length of the proposed 'Right of carriageways' accessing lots 7411 and 7412. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type.
36. A sign and linemarking diagram including recommended speed zonings must be submitted for consideration to the Local Traffic Committee prior to the release of the Construction Certificate.
37. 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 will apply in accordance with Council's Revenue Policy.
38. Prior to the commencement of any works external to the boundary of the site, the applicant must apply to Council for a Section 138 Consent, under the *Roads Act 1993*. Detailed plans of all proposed works must be supplied along with a Traffic Management Plan.
39. Before the commencement of work or the issue of a Construction Certificate, the owner or contractor must provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

Access Bridge

40. The main access bridge across Reserve 2 linking Stage 7B2 with Road 713 must maintain a minimum trafficable deck width of 6m to accommodate two lanes and an adjacent pathway. The width of the pathway must be a minimum of 1.5m, however consideration of a 3m combined pedestrian/cycleway must be given. This will be determined by the approved footpath/cycleway network. The access bridge must 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).

Footpaths and Cycleways

41. Disabled access ramps must be provided for all intersections of the pathways with a 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 intersection.

Geotechnical

42. All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.
43. 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
 - d. the required site preparation and construction constraints within the building envelope of each lot appropriate to the assessed risk of slope instability.

Sediment Control and Water Quality Control

44. The developer must submit a 'Soil and Water Management Plan' to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. 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". 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
 - d. temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.

45. 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

46. 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 & 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 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.
47. 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 meets the requirements of the Department of Environment & Conservation and the Department of Infrastructure, Planning & Natural Resources.
48. The developer must 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 and landscaping. Evidence of the undertaking must be submitted to the Principal Certifying Authority with the Subdivision Certificate Application.

Footpath Works

49. A 1.2m wide concrete footpath must be constructed along the road frontage of Lots 7401 to 7406 (inclusive). This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.
50. The footpaths south of Lot 7406 and north of Lot 7401 (as noted on the approved plans – Dwg No. CS0058 – DAO1E) must connect with the footpath required in the previous condition. The plans submitted to the Principal Certifying Authority with the construction certificate (subdivision) application must be amended to comply with this requirement.

LANDSCAPING REQUIREMENTS

Public Reserves

51. Public Reserve areas must be planted with trees and shrubs to Council's satisfaction and at the applicant's cost. In this regard, the applicant must 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 must be maintained for six months. The landscaping plans and the civil design plans must be designed and assessed concurrently and neither must be approved in isolation.

Street Tree Planting

52. Modified – DA 334/2005 (Pt 2)

Street tree planting is required in all streets as per the following requirements:

- street tree planting at the rate of one tree per allotment shall be carried out on all streets within the development
- street trees shall be advanced trees with a minimum pot size of 45L and a nominal height ranging from 2.5m to 3.0m
- all street trees within the subdivision to be fitted with hardwood stakes and watering pipes
- all street trees are to be fitted with timber edging as per landscape guidelines
- all street trees are to be setback a minimum 900mm from the back of the kerb with an application of organic mulch at a minimum depth of 75mm
- optimum planting time for street tree planting, should be when 70-80% of residential development within the subdivision has been completed
- prior to the release of street tree dedication to council, a practical completion landscape inspection and a final/handover inspection following a six month maintenance period must be completed to Council's satisfaction.

Street Tree Landscape Plan

53. 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.

54. The minimum requirements for the Street Tree Landscape Plan Public Reserve Plan required by the previous condition and Condition No. 51 are:

- i. The name and qualifications of the person preparing the plan (minimum qualification, certificate V in Horticulture, unless otherwise approved by Council).
- ii. A title block.
- iii. Scale of the plan.
- iv. Landscape schedule indicating plant symbol, botanical names, common names, plant numbers and mature height and canopy.

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- v. Landscaped site plan showing existing vegetation to be retained and proposed additional planting to scale.
 - vi. Time schedule for street tree planting.
 - vii. Species selected shall utilise endemic species.
55. Any proposed playground equipment must be shown and specified on the detailed landscape plan.
56. Any proposed seating and garbage bins must be shown and specified on the detailed landscape plan.
57. All areas to be dedicated as public reserve must be cleared of noxious weeds prior to dedication.
58. All landscape works must be completed as per the approved landscape plan titled *Shell Cove Riparian Zone Landscape Plan Stages 5, 7 & 10*. Any variations to the design or species used must be authorised by Council in writing.
59. The concept landscape plan prepared by Taylor Brammer makes reference to the species *Pittosporum undulatum*. This species is an invasive species and must not be used in the landscaping of the development site. Detailed landscape plans submitted to Council must delete any reference to the use of this species.

Tree Removal

60. 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.

ENVIRONMENTAL REQUIREMENTS

Excavated Material

61. Material excavated from the site must be taken to a location approved by Council for the taking of fill. Details of this location must be submitted with the Construction Certificate application and must be approved by the Accredited Certifier or Council prior to the release of the Construction Certificate.

Construction Phase

62. Deleted – DA 335/2004 (Pt 2)
- 62a. No spoil shall be permitted on roadways deposited from trucks importing/exporting fill. Details of the method of preventing spoil onto roadways must be submitted with the Construction Certificate application and must be approved by the Accredited Certifier or Council prior to the release of the Construction Certificate.
63. Proposed footpaths must be routed along the existing gravel tracks.

64. Care shall be taken during the construction period to ensure that machinery and construction activities do not impact on nearby native vegetation, including *Zieria granulata*. The edge of the vegetation must be temporarily fenced with a high visibility fence during the construction period.
65. Landscaping works to be carried out in the vicinity of the rainforest remnants should use local rainforest plant species only. Those non-local species shown on the landscape plan must be replaced with more suitable species.
66. A weed eradication program must be developed for the post-construction period, along with the above planting program. Before any Lantana is removed, it should be inspected to ensure there are no specimens of the threatened vine *Cynanchum elegans* present.

ABORIGINAL HERITAGE

67. Deleted DA 335/2004 (Pt 2)
68. Deleted DA 335/04 (Pt 2)
69. In the event that an Aboriginal 'object' is detected during development activity,
 - all work is to stop immediately
 - the area must be cordoned off with a protective barricade
 - Council and the Department of Conservation must be notified immediately
 - an application must be made for a permit under the *National Parks & Wildlife Act* to disturb an Aboriginal 'object', as completed by a qualified and experienced archaeologist in Aboriginal matters

Note: It is an offence under the Acts to disturb, move or excavate land containing an Aboriginal 'object' without first obtaining a permit. A person risks prosecution if Aboriginal objects are impacted upon and a Heritage Impact Permit or Relics Permit have not been issued.

Note: Any prior 'consent to destroy' an Aboriginal object is NOT transferable between land owners.

BUSHFIRE PROTECTION

70. The recommendations detailed in the letter dated 23 August 2004 from Brett Storey of Bushfire & Environmental Services must be complied with.
71. A Bushfire Management Plan must be prepared for the proposed reserves that addresses the following requirements:
- Contact person/department and details.
 - Schedule and description of works for the construction of Asset Protection Zones and their continued maintenance.
 - Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary.
 - Details of access through any gate/fire trail system for remnant bushland areas.
72. The recommendations detailed in the Bushfire Protection Assessment prepared by Bushfire & Environmental Services (dated 19 February 2004) other than those modified by the above conditions must be complied with.

TOWN PLANNING

Bonds & Contributions

73. The following contributions must be paid to Council in accordance with the provisions of Section 94 of the *Environmental Planning & Assessment Act, 1979, as amended*, and Council's *Fifth Review Section 94 Contributions Management Plan* dated 6 December 2000.

- Community facilities/services - \$53,337.72

The whole of the contribution amount of \$53,337.72 must be paid prior to the issue of a Subdivision Certificate adjusted in accordance with the following condition.

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.

74. 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 must 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.

Padmount Sub-Stations

75. 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.

Street Names

76. Proposed street names must be submitted for Council's consideration for all new roads proposed as part of this subdivision.

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.

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.

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

Integrated Development

78. 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

79. The Department of Infrastructure, Planning & Natural Resources (DIPNR) have combined the General Terms of Approval (GTA) and 3A Permit for this development.

- a. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.
- b. 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. The Part 3A Permit from DIPNR 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 3A 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.
- f. If, in the opinion of a DIPNR officer, works are carried out in such a manner that they may damage or adversely affect the watercourse or foreshore environment, the DIPNR officer may issue an oral or written direction to immediately stop all work/s.
- g. If any DIPNR Part 3A Permit conditions are breached, the Permit holder shall restore the site in accordance with these Conditions and any other necessary remedial actions as directed by DIPNR. If any breach of the Part 3A 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.

Endorsement of date of consent 24 JUN 2005

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

CC: Department of Infrastructure, Planning & Natural Resources
PO Box 867
WOLLONGONG EAST NSW 2520

Development Control Services
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Stage 7C DA file

Glenn Colquhoun

From: Glenn Colquhoun
Sent: Wednesday, 6 July 2005 12:33 PM
To: Rebecca Welsh (E-mail)
Cc: Graham Mitchell (E-mail)
Subject: Shell Cove stage 7C DA335/2004

Rebecca,

Subsequent to our telephone conversation and your confirmation that the incorporation of conditions 67 and 68 to DA335/2004 was an error and can be deleted under section 96(1), i note the following additional conditions of the consent which i believe require modification:

Condition 10.

the wording of this condition is erroneous to the intent and as drafted in respect of lots 7412 and 7411 requires only an 8m APZ . The wording should be amended similar to:

"A restriction must be placed on the 88B instrument for proposed lots 7406, 7410, 7411 and 7412 providing building setbacks within each lot to achieve a minimum 20m Asset Protection Zone measured from the surveyed existing remnant vegetation, in accordance with the Bushfire Assessment Report prepared by Bushfire and Environmental Services (dated 19 February 2004)."

Condition 21

As per the development application SEE report, the detailed creek works plans and landscape plans have been previously submitted to Council and Approved by Council. This condition should either be deleted in its entirety or amended to only relate to any tie in works associated with the access road.

Condition 52

dot point 2 should be amended by replacing "50L" with "45L". I am unaware of any plant nursery that produces 50L size trees.

dot point 5 should be amended by replacing "900mm" with "600mm". It is not possible to achieve a 900 setback from the back of the kerb within a 3000mm wide footpath reserve and comply with the requirements of condition 49 and service corridors.

Condition 62

This condition requires deletion. There is only one access point to the site and regardless Council cannot condition preclusion of access from a public road.

Condition 67 and 68

I note Council's prior agreement to deletion of these conditions.

I believe that all the above proposed amendments should be capable of assessment under section 96(1). Would you please confirm this is the case and that the fee for the modification will accordingly be \$55.00.

thanks
Glenn

RECEIVED 20 JUN 2005

RECEIVED 20 JUN 2005



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Issued under the Environmental Planning and Assessment Act 1979
Section 81(1)(a)*

TO: The Manager
Australand Holdings
PO Box A148
SHELLHARBOUR 2529

27 JUN 2005

Being the applicant of Development Application No. 335/2004 for consent to the following development:

12 LOT RESIDENTIAL SUBDIVISION, TWO PUBLIC RESERVES AND TWO RESIDUAL LOTS – STAGE 7C
LOT: 5243 DP: 1050004
AND
LOT: 7300 DP: 1060603
HINCHINBROOK DRIVE, SHELL COVE

Determination date of consent **24 JUN 2005**

In accordance with Section 80 of the Act the Development Application has been determined by the **GRANTING OF CONSENT SUBJECT TO THE CONDITIONS DESCRIBED BELOW.**

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)
 - 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.

All communications addressed to:
GENERAL MANAGER
PO Box 155
Shellharbour City Centre 2529
Telephone: 02 4221 6111
Facsimile: 02 4221 6016
DX 26402 Shellharbour City Centre
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

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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.
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 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.

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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.
10. A restriction must be placed on the 88B Instrument for proposed Lots 7406, 7410, 7411 and 7412, requiring a minimum 8m building line setback from the southern boundary. This setback is required to achieve the required 20m Asset Protection Zone in accordance with the Bushfire Assessment Report prepared by Bushfire & Environmental Services (dated 19 February 2004).
11. All intended reserves, roads, pathways and drainage easements are to be dedicated to Council.

GENERAL

12. 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.

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the *Your Business* section of the web site www.sydneywater.com.au then follow the *e-Developer* icon or telephone 13 2092 for assistance.

Following application a *Notice of Requirements* will advise of 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.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying authority prior to release of the plan of subdivision.

13. 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.
14. 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.

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15. Road and drainage plans, prepared by a suitably qualified engineer, in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval. All road and drainage work must then be constructed in accordance with Council's Construction Standards and Approval at no cost to Council.
16. Engineering plan checking 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.
17. 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

18. Interallotment drainage must be provided to dispose of storm water from those allotments which do not have fall to a public road.
19. 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.
20. 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.
21. The developer must submit detailed creek works plans and landscape plans for the approval of the Principal Certifying Authority. These plans must be submitted with the Construction Certificate Application and must indicate how the existing creek channels will be treated to meet safety requirements and reduce the risk of scour and subsequent gully head erosion and bank undercutting through the construction of the road and culvert. The creek works plan and landscape plan must take into account the ultimate development of the site and upstream areas and as a minimum must address the following:
 - a. proposed measures to stabilise any bank and bed scour in the existing stream
 - b. proposed location and treatments to prevent further bank and bed scour in the existing stream resulting from urban development providing relevant justification
 - c. how the 1 in 100 year ARI flood can be safely passed through the site both in the short term and long term
 - d. proposed measures to prevent litter

22. 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'.
23. 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 Council prior to the release of the final plan of subdivision or placement of final seal on roads, which ever occurs earlier. Damaged pipes must either be replaced or repaired to Council's satisfaction prior to the release of the final plan of subdivision.

Road Standards

24. All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.
25. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit an 12.5m single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway.
26. Road Nos. 713 & 713a must be constructed with a 6m wide carriageway and 3.0m (minimum) wide footpath reserves each side, within a 12m road reserve (minimum).
27. Kerb returns at intersections must be constructed with a radius of not less than 6m. In this regard, the design of kerb returns must meet the objectives of the AMCORD guidelines.
28. 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.
29. The vertical and horizontal alignment of all streets and all street intersections within the development must have site distance provided in accordance with AUSTRROADS' requirements.
30. The pavement design for the proposed roads must 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 must be submitted to Council for approval prior to the laying of pavement material.

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31. 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.
32. Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.
33. Benkelman beam testing on all new internal subdivision roads must 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*.
34. 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.
35. Concrete accessways 3.5m wide must be constructed for the full length of the proposed 'Right of carriageways' accessing lots 7411 and 7412. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type.
36. A sign and linemarking diagram including recommended speed zonings must be submitted for consideration to the Local Traffic Committee prior to the release of the Construction Certificate.
37. 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 will apply in accordance with Council's Revenue Policy.
38. Prior to the commencement of any works external to the boundary of the site, the applicant must apply to Council for a Section 138 Consent, under the *Roads Act 1993*. Detailed plans of all proposed works must be supplied along with a Traffic Management Plan.
39. Before the commencement of work or the issue of a Construction Certificate, the owner or contractor must provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

Access Bridge

40. The main access bridge across Reserve 2 linking Stage 7B2 with Road 713 must maintain a minimum trafficable deck width of 6m to accommodate two lanes and an adjacent pathway. The width of the pathway must be a minimum of 1.5m, however consideration of a 3m combined pedestrian/cycleway must be given. This will be determined by the approved footpath/cycleway network.

The access bridge must 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).

Footpaths and Cycleways

41. Disabled access ramps must be provided for all intersections of the pathways with a 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 intersection.

Geotechnical

42. All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.
43. 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
 - d. the required site preparation and construction constraints within the building envelope of each lot appropriate to the assessed risk of slope instability.

Sediment Control and Water Quality Control.

44. The developer must submit a 'Soil and Water Management Plan' to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. 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". 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

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- c. specific measures to control dust generated as a result of construction activities on site
 - d. temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
45. 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
46. 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 & 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 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.
47. 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 meets the requirements of the Department of Environment & Conservation and the Department of Infrastructure, Planning & Natural Resources.

48. The developer must 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 and landscaping. Evidence of the undertaking must be submitted to the Principal Certifying Authority with the Subdivision Certificate Application.

Footpath Works

49. A 1.2m wide concrete footpath must be constructed along the road frontage of Lots 7401 to 7406 (inclusive). This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.
50. The footpaths south of Lot 7406 and north of Lot 7401 (as noted on the approved plans – Dwg No. CS0058 – DAO1E) must connect with the footpath required in the previous condition. The plans submitted to the Principal Certifying Authority with the construction certificate (subdivision) application must be amended to comply with this requirement.

LANDSCAPING REQUIREMENTS

Public Reserves

51. Public Reserve areas must be planted with trees and shrubs to Council's satisfaction and at the applicant's cost. In this regard, the applicant must 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 must be maintained for six months. The landscaping plans and the civil design plans must be designed and assessed concurrently and neither must be approved in isolation.

Street Tree Planting

52. Street tree planting is required in all streets as per the following requirements:
- street tree planting at the rate of one tree per allotment shall be carried out on all streets within the development
 - street trees shall be advanced trees with a minimum pot size of 50L and a nominal height ranging from 2.5m to 3.0m
 - all street trees within the subdivision to be fitted with hardwood stakes and watering pipes
 - all street trees are to be fitted with timber edging as per landscape guidelines
 - all street trees are to be setback a minimum 900mm from the back of the kerb with an application of organic mulch at a minimum depth of 75mm

- optimum planting time for street tree planting, should be when 70-80% of residential development within the subdivision has been completed
- prior to the release of street tree dedication to council, a practical completion landscape inspection and a final/handover inspection following a six month maintenance period must be completed to Council's satisfaction.

Street Tree Landscape Plan

53. 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.
54. The minimum requirements for the Street Tree Landscape Plan Public Reserve Plan required by the previous condition and Condition No. 51 are:
 - i. The name and qualifications of the person preparing the plan (minimum qualification, certificate V in Horticulture, unless otherwise approved by Council).
 - ii. A title block.
 - iii. Scale of the plan.
 - iv. Landscape schedule indicating plant symbol, botanical names, common names, plant numbers and mature height and canopy.
 - v. Landscaped site plan showing existing vegetation to be retained and proposed additional planting to scale.
 - vi. Time schedule for street tree planting.
 - vii. Species selected shall utilise endemic species.
55. Any proposed playground equipment must be shown and specified on the detailed landscape plan.
56. Any proposed seating and garbage bins must be shown and specified on the detailed landscape plan.
57. All areas to be dedicated as public reserve must be cleared of noxious weeds prior to dedication.
58. All landscape works must be completed as per the approved landscape plan titled *Shell Cove Riparian Zone Landscape Plan Stages 5, 7 & 10*. Any variations to the design or species used must be authorised by Council in writing.

59. The concept landscape plan prepared by Taylor Brammer makes reference to the species *Pittosporum undulatum*. This species is an invasive species and must not be used in the landscaping of the development site. Detailed landscape plans submitted to Council must delete any reference to the use of this species.

Tree Removal

60. 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.

ENVIRONMENTAL REQUIREMENTS

Excavated Material

61. Material excavated from the site must be taken to a location approved by Council for the taking of fill. Details of this location must be submitted with the Construction Certificate application and must be approved by the Accredited Certifier or Council prior to the release of the Construction Certificate.

Construction Phase

62. An agreed route for all heavy machinery accessing the site during the subdivision construction phase must be negotiated prior to the release of the Construction Certificate. No spoil shall be permitted on roadways deposited from trucks importing/exporting fill.
63. Proposed footpaths must be routed along the existing gravel tracks.
64. Care shall be taken during the construction period to ensure that machinery and construction activities do not impact on nearby native vegetation, including *Zieria granulata*. The edge of the vegetation must be temporarily fenced with a high visibility fence during the construction period.
65. Landscaping works to be carried out in the vicinity of the rainforest remnants should use local rainforest plant species only. Those non-local species shown on the landscape plan must be replaced with more suitable species.
66. A weed eradication program must be developed for the post-construction period, along with the above planting program. Before any Lantana is removed, it should be inspected to ensure there are no specimens of the threatened vine *Cynanchum elegans* present.

ABORIGINAL HERITAGE

67. At the commencement of works, watching supervision by a representative or site officer of the Local Lands Council is required. In addition, an archaeologist with proven qualifications and experience in Aboriginal Heritage matters must be on standby during the course of the works.

68. All works must be undertaken in accordance with the *Draft Guidelines for Aboriginal Heritage Impact Assessment 2002*.
69. In the event that an Aboriginal 'object' is detected during development activity,
- all work is to stop immediately
 - the area must be cordoned off with a protective barricade
 - Council and the Department of Conservation must be notified immediately
 - an application must be made for a permit under the *National Parks & Wildlife Act* to disturb an Aboriginal 'object', as completed by a qualified and experienced archaeologist in Aboriginal matters

Note: It is an offence under the Acts to disturb, move or excavate land containing an Aboriginal 'object' without first obtaining a permit. A person risks prosecution if Aboriginal objects are impacted upon and a Heritage Impact Permit or Relics Permit have not been issued.

Note: Any prior 'consent to destroy' an Aboriginal object is NOT transferable between land owners.

BUSHFIRE PROTECTION

70. The recommendations detailed in the letter dated 23 August 2004 from Brett Storey of Bushfire & Environmental Services must be complied with.
71. A Bushfire Management Plan must be prepared for the proposed reserves that addresses the following requirements:
- Contact person/department and details.
 - Schedule and description of works for the construction of Asset Protection Zones and their continued maintenance.
 - Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary.
 - Details of access through any gate/fire trail system for remnant bushland areas.
72. The recommendations detailed in the Bushfire Protection Assessment prepared by Bushfire & Environmental Services (dated 19 February 2004) other than those modified by the above conditions must be complied with.

TOWN PLANNING

Bonds & Contributions

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73. The following contributions must be paid to Council in accordance with the provisions of Section 94 of the *Environmental Planning & Assessment Act, 1979, as amended*, and Council's *Fifth Review Section 94 Contributions Management Plan* dated 6 December 2000.

- Community facilities/services - \$53,337.72

The whole of the contribution amount of \$53,337.72 must be paid prior to the issue of a Subdivision Certificate adjusted in accordance with the following condition.

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.

74. 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 must 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.

Padmount Sub-Stations

75. 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.

Street Names

76. Proposed street names must be submitted for Council's consideration for all new roads proposed as part of this subdivision.

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.

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.

DEPARTMENT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES (DIPNR)

Integrated Development

78. 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

79. The Department of Infrastructure, Planning & Natural Resources (DIPNR) have combined the General Terms of Approval (GTA) and 3A Permit for this development.
- a. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.
 - b. 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. The Part 3A Permit from DIPNR is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.

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- d. Rehabilitation of the area in accordance with the 3A 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.
- f. If, in the opinion of a DIPNR officer, works are carried out in such a manner that they may damage or adversely affect the watercourse or foreshore environment, the DIPNR officer may issue an oral or written direction to immediately stop all work/s.
- g. If any DIPNR Part 3A Permit conditions are breached, the Permit holder shall restore the site in accordance with these Conditions and any other necessary remedial actions as directed by DIPNR. If any breach of the Part 3A 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.

SUPPLEMENTARY ADVICE

1. This development consent is subject to the prescribed conditions under Part 7 of the *Environmental Planning & Assessment Regulation 1998*.
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.

NOTES:

1. In accordance with Section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has substantially physically commenced.

The building must be completed, in accordance with the approved plans and specifications, within five years from the date when the building was substantially physically commenced.

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2. **Right of Appeal**

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning & Assessment Act 1979*, gives you the right to appeal to the Land & Environment Court within 12 months after the date on which you receive this notice.

Section 97 of the *Environmental Planning & Assessment Act 1979* does not apply to the determination of a development application for state significant development or local designated development that has been the subject of a Commission of Inquiry.

3. The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under Section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee must accompany the application and no action shall be taken on the requested variation **unless and until** the **written** authorisation of Council is received by way of an amended consent.

4. **Prescribed Payment System Tax Obligations**

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.



Graham Mitchell
Manager Development Services

On behalf of Brian A Weir, General Manager

CC: Department of Infrastructure, Planning & Natural Resources
PO Box 867
WOLLONGONG EAST 2520

Development Control Services
NSW Rural Fire Service
Locked Bag 17
GRANVILLE 2142

**PERMIT UNDER PART 3A
OF THE RIVERS AND FORESHORES
IMPROVEMENT ACT 1948**



Department of Infrastructure, Planning
and Natural Resources

Australand Holdings Ltd
PO Box A148
SHELLHARBOUR NSW 2529

Permit Number

2004/02979

Date Permit Issued

as per date of issue of
Council Consent

Date Permit Expires

as per expiration date of
Council Consent

By granting this Permit, DIPNR does not in any way release the owner/s from their obligation/s to fully comply with any covenants, regulations and restrictions imposed by other authorities. This permit is ONLY VALID for period of Council Consent

NAME OF STREAM: Watercourse #1 **CATCHMENT:**

PURPOSE/PROPOSAL: Being for works on, in or under protected lands and/or waters as defined by the Rivers and Foreshores Improvement Act (1948).

LOCATION OF WORKS: Off Melville Circuit, Shellcove (Shellcove Stage 7c)

LOT/DP: Lot 5243 DP 1050004, Lot 7300 DP 1060603

PORTION: **PARISH:** **COUNTY:** Camden

LGA: Shellharbour

DA Number: 335/2004

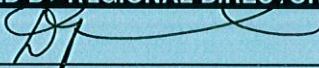
MAP NAME: Albion Park 1:25000 **Eastings:** 303724 **Northings:** 6169883

DESCRIPTION OF WORKS: 12 Lot Residential Subdivision

SEE REVERSE FOR STANDARD PERMIT CONDITIONS

SPECIAL CONDITIONS:

APPROVED BY REGIONAL DIRECTOR PER:


Signature of Authorised Officer

DATE: 7/6/04

FOR FURTHER INFORMATION CONTACT

Noel Christensen
Phone: 4224 9612
Fax: 4224 9650

STANDARD CONDITIONS FOR WORKS IN OR NEAR WATERCOURSES/FORESHORES

1. These Conditions apply only to the works granted on this site, under the subject Development Application.
2. Works are to be carried out in accordance with the plans presented to the Department of Infrastructure, Planning and Natural Resources for the subject Development Application.
3. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse/foreshore and to minimise adverse impacts on aquatic and riparian environments.
4. 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'.
5. The Part 3A Permit from the Department is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
6. Rehabilitation of the area in accordance with the 3A Permit Conditions or any direction from the Department is the responsibility of the Permit holder and owner or occupier of the land.
7. Work as executed survey plans of a professional standard and including information required by the Department shall be provided to the Department on request.
8. If, in the opinion of a Departmental Officer, works are carried out in such a manner that they may damage or adversely affect the watercourse or foreshore environment, the Departmental Officer may issue an oral or written direction to immediately stop all work/s.
9. If any of the Department's Part 3A Permit Conditions are breached, the Permit holder shall restore the site in accordance with these Conditions and any other necessary remedial actions as directed by the Department. If any breach of the Part 3A Permit Conditions requires a site inspection by the Department, then the permit holder shall pay a fee prescribed by the Department for this inspection and all subsequent breach inspections.

END OF CONDITIONS