

RECEIVED 2 MAR 2011



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28 FEB 2011

The Manager
Australand Corporation (NSW) Pty Ltd
PO Box 4148
SHELLHARBOUR NSW 2529

**NOTICE TO APPLICANT OF DETERMINATION OF AN APPLICATION TO AMEND A
DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979, as amended

Under Section 96 of the Act, notice is hereby given of the determination by the consent authority of the Development Application No. 62/2003 (Pt 6).

The Application for Amendment has been APPROVED UNDER DELEGATED AUTHORITY.

CURRENT CONSENT

This Consent amends Development Consent No. 62/2003 (Pt 5) relating to the land described and the following proposed development:

371 LOT TORRENS TITLE SUBDIVISION

**PT LOT 3, DP 1031746, LOT 22, PT LOTS 1205-1207, DP 864021
& LOTS 5157 & 5158, DP 1047358**

OFF BUCKLEYS ROAD, SHELL COVE

AMENDED CONSENT RELATES TO:

Amendments approved under DA No. 62/2003 (Pt 6) are:

- Boundary adjustment for the creation of 5 lots (Lots 601 to 605 inclusive) over approved 2 lots (6328 and 6329).

Approved plans relating to the development are:

- Shell Cove Stage 6H –Site Plan No CS0457-DA001

The Application for Amendment has been determined UNDER DELEGATED AUTHORITY SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE.

ENGLISH

If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

MACEDONIAN

Ако имате тедшкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

SPANISH

Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

GERMAN

Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen estsprechenden Dolmetscher hinzurufen.

ITALIAN

Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

GREEK

Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ. 4221 6111), ή αν επιθυμείτε ελατε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

CROATIAN

Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

PORTUGUESE

Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

SERBIAN

Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако желите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

TURKISH

Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

POLISH

Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

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)
 - 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 & 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, Sydney Water and Integral Energy.

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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 or telephone 132092.

Following application a 'Notice of Requirement' 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.

ENGINEERING REQUIREMENTS

General

13. All lots must comply with Council's *Residential Development Control Plan*.
14. 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.
15. 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.
16. 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.

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17. A site meeting with Council's Engineer, the Department of Infrastructure, Planning & Natural Resources, the applicant and the contractor must be held not less than seven days prior to the commencement of work on site.
18. A set of Council endorsed engineering plans must be kept on site at all times during the construction phase.
19. 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

20. Interallotment drainage must be provided to dispose of storm water from those allotments which do not have fall to a public road.
21. Stormwater drainage and interallotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1:5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1:100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1:100 years must be over public land.
22. 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.
23. Deleted - DA No .62/2003 (Pt 2)
24. The developer must submit detailed creek works plans and landscape plans together with the flood study for the approval of the Principal Certifying Authority, Council and DIPNR. These plans must be submitted, where relevant, 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. The creek works plan, landscape plan and flood study must take into account the ultimate development of the site and upstream areas and as a minimum must address the following.
 - a. Proposed location and treatments to prevent scour in the existing gullies.
 - b. Flow velocities together with flood levels indicating the extent of the area inundated by both the 1:100 year ARI flood and by the 1:1 year ARI flood.
 - c. Proposed measures to intercept litter
 - d. Proposed measures to maintain surface and ground water flow regimes so as to maintain the natural cycle of fluctuations in water supply level within the remnant vegetation.
25. The impact of the Probable Maximum Flood (PMF) in relation to the performance of 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, where relevant, with the Subdivision Construction Certificate Application.
26. A report must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate verifying that all works recommended by the Gutteridge Haskins and Davey Pty Ltd Report, Shell Cove Golf Course Dam Construction,

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Environmental Management Plan, February 2000, Volumes 9a, 9b & 10 have been implemented and completed.

27. 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*.
28. 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, whichever 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.
29. All allotments must be constructed at or above the 1:100 year ARI flood level. All allotments within 500mm of the 1:100 year ARI flood level must have a restriction placed on the 88B Instrument specifying a minimum floor level of 500mm above the 1:100 year ARI flood level. All levels must be to AHD. Alternatively all lots must be filled to a level 500mm above the 1:100 year ARI flood level.

Road Standards

30. All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.
31. The geometric design of all roads, traffic facilities, intersection treatments, mid block devices, entry features and temporary turning heads must be designed to:
 - permit an 11m single unit truck to manoeuvre for roads with carriageways less than 9m
 - permit a 12.5m single unit truck to manoeuvre for roads with carriageways greater than or equal to 9m
 - for all instances permit the truck to enter and leave each road travelling in a forward direction and without leaving the carriageway.
32. Road No. 58 (north of Road No. 601) must be constructed with a 10m wide carriageway and 4.5m (minimum) wide footpaths within a road reserve of 22m (minimum).
33. Road No. 601 must be constructed with a 10m wide carriageway and 4m (minimum) wide footpaths within a road reserve of 18m (minimum).
34. Road No. 58 (south of Road No. 601) must be constructed with a 8m wide carriageway and 3.5m (minimum) wide footpaths within a road reserve of 15m (minimum) except for the portion of Road No. 58 located adjacent to Reserve 4 where the road reserve must comprise a 13m wide road reserve with a 3.5m wide footpath to the residential lots, 8m wide carriageway and a minimum 1.5m wide footpath to Reserve 4. The section of this road between Public Reserves 3 and 4 may be reduced to have a minimum 6m wide carriageway and 3m (minimum) wide footpaths within a road reserve of 12m (minimum).
35. Road No. 613 must be constructed with a dual 5m carriageway with 3m minimum footpath adjacent to the lots and 14m wide central public reserve within a 30m (minimum) wide road reserve.

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Unless otherwise agreed in writing by Council, appropriate signposting indicating 'One Way' and 'No Entry' must be installed prior to the release of the relevant Subdivision Certificate.

36. Modified – DA 62/2003 (Pt 3)

Road Nos 602 (north of Road No. 609) & 615 must be constructed with a minimum 8m wide carriageway and a 3.5m (minimum) wide footpaths within a road reserve of 12m (minimum).

37. Modified – DA 62/2003 (Pt 3)

Road Nos 602 (south of Road No. 609), 603, 604, 605, 606, 609, 610, 611, 614, 615 (west of Road No. 616), 616, 617, 618 (north of Road No. 620), 619, 651, 652, 653, 654, 655, 656 and 658 must be constructed with a minimum 6m wide carriageway and 3m (minimum) wide footpaths within a road reserve of 12m (minimum).

37a. Road 607 (east of Road No. 602) must be constructed as part road with a minimum 6m carriageway with 3m (minimum) wide footpaths within a road reserve of 12m (minimum), and part road with a minimum 7m carriageway with a central median of 9m, and 3m (minimum) wide footpaths within a road reserve of 22m. This section of road should comply with plans, Shellcove Stage 6, Dimensional Site Plan 1 of 4 (Drawing No. 270-501) and Taylor Brammer, Landscape Concept Plan, Road 607 Part Shell Cove Stage 6 (drawing number LC01).

38. Road Nos 607 (west of Road No. 602), 608, 612, 618 (south of Road No. 620), 620 and 657 must be constructed with a minimum 6m carriageway with 3m footpath adjacent to the lot and 1.5m footpath adjacent to the public reserve within a 10.5m (minimum) wide road reserve.

39. 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.

40. 150mm barrier kerb and gutter must be provided within Road No. 601, Road No. 58 north of Road No. 601, between Road Nos 608 & 612 and adjacent to the public reserves. 110mm Roll top kerb must be provided elsewhere within the subdivision. Council may consider alternatives such as roll top kerb adjacent to public reserves subject to satisfactory landscape works preventing vehicular access to public reserve areas.

41. Wherever 150mm kerb and gutter is provided, vehicular layback crossings are to be provided to serve each allotment.

42. A roundabout must be constructed at the intersection of Road No. 58, 601 and 615. This work must be carried out by Council, or a Council approved contractor, at the developer's expense. Detailed engineering plans, including site distance provided in accordance with AUSTROADS' requirements and pavement and drainage designs, at a scale of 1:200, must be submitted for assessment by Council for approval of the Local Traffic Committee and Roads & Traffic Authority, prior to the release of the Construction Certificate. The roundabout must be designed to satisfy the movements of a 14.5m rigid vehicle.

43. Lots 6328 and 6329 must be limited to one access location where safe intersection sight distance is available for 80km/h.

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44. 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.
45. 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.
46. 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 release of the engineering plans.
47. 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.
48. Service conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the service plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the service crossings must be under bored.
49. Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.
50. 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*.
51. 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.
52. All thresholds/traffic calming must be designed in accordance with appropriate standards and guidelines, taking into account the requirements set by Roads & Traffic Authority *Technical Direction 2001/04*.
53. A sign and line marking diagram including recommended speed zonings must be submitted for consideration to the Local Traffic Committee prior to the release of the Construction Certificate.
54. 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.
55. 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.

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56. 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 \$10M 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.

Footpaths & Cycleways

57. A shared path master plan, with paths 1.2m and 2.5m wide as appropriate, must be provided within the site in accordance with Council's Pedestrian Access and Mobility Plan 2000 and the Shared Path Plan 1999/2000 or subsequent amendments, and submitted to the Principal Certifying Authority for approval, in conjunction with the Construction Certificate for the first stage. Pathways must be constructed from Road No. 603, between Lots 6030 & 6001 connecting to Road No. 58; Road No. 617, between Lots 6211 & 6262 connecting to Road No. 58; and Road No. 614, adjacent to Lot 6107 connecting to Road No. 601. A 1.2m wide concrete footpath should be constructed along the length of all the pathways. Footpaths/cycleways must be constructed in accordance with the approved plan at no cost to Council. Details will need to be submitted with the Construction Certificate to indicate the method of treatment to permit pedestrians and cyclists to cross Road No. 58 to access the western and southern portions of the development site.
58. 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

59. All lot and site filling must be performed under Level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.
60. 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 & Water Quality Control.

61. The developer must submit a *Soil and Water Management Plan* for the subdivision which has been endorsed by the Catchment Manager, Wollongong, Department of Infrastructure, Planning & Natural Resources. 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 and Water Management plan, endorsed by the Catchment Manager, Wollongong, DIPNR, must be lodged prior to the

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- 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.
62. Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
63. 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 1:1 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.
64. 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.
65. The developer must obtain a Part 3A permit from the Department of Infrastructure, Planning & Natural Resources under the *Rivers & Foreshores Protection Act* for the development of the watercourse. The documentation supporting the application for a Permit should include a copy of the Soil & Water Management Plan and a catchment wide strategy to address the hydrological and water quality changes in all watercourses within the development. A copy of the 3A permit must be made available to Council prior to the release of the Construction Certificate.

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66. 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.

Potentially Contaminated Sites

67. The applicant must ensure that no lot is affected by existing septic soak-away system or other on site sewage disposal system. In this regard the applicant must remove contaminated soil from any affected lots. Contaminated soil must be replaced with suitable clean fill placed to Level 1 geotechnical control.
68. A plan showing the location of the existing sewage disposal system and the lots affected must be submitted with the Subdivision Construction Certificate application.
69. Details of the location and method of disposal of any contaminated soil must be submitted with the Subdivision Construction Certificate application.
70. A Final Report including a Site Validation for the potentially contaminated allotments following remediation of the sites shall be submitted to Council prior to the issue of a Subdivision Certificate.

Noise Exposure

71. 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. The noise barrier may be constructed from brick, concrete, timber panels or plexiglass panels (excluding timber lapped and capped fencing). Detailed design of the sound attenuation measures must be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

Public Reserves

72. 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.
73. 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.
74. A clear zone for all structures/physical works, equal to 1.5 times the radius of the canopy of the existing fig tree measured from the trunk must be maintained within proposed Reserve No. 1. This area must be fenced during the construction period. No machinery, stockpiling or construction materials are to be stored in this area.

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75. All allotments adjoining public reserves must be fenced by the developer prior to the release of the final plan of subdivision. The fencing must be timber lap and cap or weldmesh in accordance with Council's fencing code except where otherwise required by bush fire measures. Alternative materials may be considered upon application to and approval by Council.
76. All areas to be dedicated as public reserve must be cleared of noxious weeds prior to dedication.

TOWN PLANNING

Bonds & Contributions

77. A contribution of \$2,061,568.22 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 for each stage adjusted in accordance with Condition No. 79.

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

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

78. 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), 16,785m² of open space is required to cater for the passive open space needs of this development.
79. The Section 94 contribution set out in the above conditions will be recalculated in accordance with movements in the *Chain Price Index for Non-Dwelling Building and Construction (CP)*, published by the *Australian Bureau of Statistics*. The recalculation 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.

80. The developer must, prior to the release of the Construction Certificate, submit to Council plans showing the embellishment proposed for each of the public reserves for approval by Council's Landscape Technical Officer. All embellishment of public

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reserves, must be undertaken in accordance with the design criteria outlined in Council's Fifth Review Section 94 Contributions Management Plan with the exception of Reserve 4 which is subject to a separate plan of management.

81. 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), one playground must be provided to cater for the passive open space needs of this development.
82. Staging of the subdivision must be in accordance with Plan No. CS0057-MB04 A and the following staging schedule, unless otherwise agreed in writing by Council.

6a	43	6d	44	6f-4	24
6b-1	16	6e	29	6f-5	27
6b-2	11	6f-1	23	6g-1	34
6c-1	12	6f-2	16	6g-2	34
6c-2	29	6f-3	24	6h	2

Bush Fire Protection

83. The NSW Rural Fire Service has granted a Bush Fire Safety Authority subject to the following.
- Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
 - Any future development application lodged for this subdivision under section 79BA of the *Environmental Planning & Assessment Act* will be subject to the requirements as set out in Planning for Bushfire Protection, 2001.
 - Access is to comply with 4.3.1 Planning for Bushfire Protection 2001.
84. A 20m wide Asset Protection Zone must be provided from Reserve 4 to any proposed dwelling on Lots 6088, 6158-6162, 6272-6275, 6299-6304, 6398, 6320-6327, 6388-6394 and 6397. In respect to all Asset Protection Zone setbacks, the setback nominated may be contained partially within the residential block and partially within road reserve or managed public reserve provided that the total setback equals the nominated setback (generally 20m).
85. A 20m wide Asset Protection Zone must be provided from Reserve 3 to any proposed dwelling on Lots 6159-6160, 6186-6199 and 6330-6336.

The Asset Protection Zone may be comprised of any width proportion of road reserve, part Reserve 3 managed through a Plan of management and within individual properties to achieve the 20m Asset Protection Zone.

86. Deleted – DA 62/2003 (Pt 2)
87. Amended Condition – DA No. 62/2003 (Pt 4)

A 10m wide Asset Protection Zone must be provided from the Killalea State Park to any proposed dwelling on Lots 6025, 6057 to 6060, 6106 to 6107 and 6135 - 6139. The Asset Protection Zone may be comprised of any width proportion of road reserve, the fire trail currently under construction within and along the boundary of the Killalea State Park and within individual properties to achieve the 10m Asset Protection Zone.

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88. Proposed Reserves 1 and 2 must be maintained as Inner Protection Areas through a Plan of Management.
- 88A. A 1.8 m high radiant heat barrier must be installed along the boundary of Lots 6199, 6200 & 6210.

Safety from Golfing Activities

89. The walkway along the western side of the knoll must be a minimum of 50m from the centre of the eleventh fairway.

Padmount Sub-Stations

90. Should padmount sub-stations be incorporated into corner allotments, a restricted building zone must be created 3 m 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 Tree Landscape Plan

91. 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 and incorporate the following amendments.
 - 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, an alternative species must be selected.
 - e. All street trees located on entry roads are to be fitted with tree guards consistent with the Shell Cove theme and watering pipes.
 - f. Street trees for internal roads are to be fitted with hardwood stakes and watering pipes.
92. Street trees purchased by the developer must be withheld from planting until such time as individual streets are developed up to 70% with residences to prevent damage and destruction throughout dwelling construction phase except for Road No. 58 and Road No. 601.
93. Street tree planting at the rate of one tree per two allotments must be carried out on all streets within the development. Such trees must be advanced trees with a minimum pot size of 45 litres and a nominal height ranging from 2.5m to 3m.
94. Embellished street furniture similar to that approved in earlier stages of the Shell Cove Estate is acceptable for Stage 6.
95. The minimum requirements for the landscape plan required by Condition No. 72 & 91 are:

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- 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 sale
- vi. time schedule for street planting.

Existing Port Jackson Fig Tree (*Ficus rubiginosa*)

96. Construction of pathways within close proximity of the tree's canopy should be constructed only as a raised boardwalk.
97. No planting should be undertaken under the tree's canopy, from the trunk to the drip line, this area must only be mulched and contained with the use of timber edging.

Noise Attenuation/Acoustic Wall

98. Restrictions as to user must be incorporated into the 88B Instrument detailing the range of noise attenuation measures required for dwellings on allotments adjoining the quarry haul road. Noise monitoring must be undertaken by a suitably qualified acoustic consultant to confirm the residential lot specific 40 and 45 dB(A) L_{eq} contours for single and double storey residences adjacent to the haul road. The report must indicate specific lots affected by noise and must be submitted prior to the release of the Subdivision Construction Certificate.
99. A restriction as to user must be placed on the 88B instrument restricting the construction of Class 1a structures within 10m of the acoustic wall or otherwise agreed in writing by Council.
100. A 1m wide landscape strip must be provided along the entire length of the acoustic wall facing the proposed allotments.

Vegetated Knoll

101. Prior to the release of a Construction Certificate for Stage 6B-2, a Programme of Works must be developed and approved by Council for the Knoll in accordance with the Plan of Management. Consultation must be made with Council's Manager of Works and Kevin Mills & Associates to facilitate initial actions and ongoing dedication and maintenance of Reserves.
102. At the interface between Stage 6/2 and the Knoll, a public walkway must be established between the lots running east-west near the edge of the environment protection zone boundary. It shall be a minimum of 10m wide and be in conjunction with the bushfire asset protection zone.
103. A walkway/bush fire trail 10 m wide must be established at the rear of lots 6190 to 6198 adjacent to Reserve 3.

104. A plan must be formulated by a qualified landscape architect detailing walking trails, materials and park furniture that will be utilised in the Knoll (Reserve 4). The plan shall form part of the Programme of Works. Consultation with Council's Safer Cities Coordinator in relation with crime prevention.
105. The design of the boundary interface from allotment with any Reserve must encourage passive surveillance by open style fencing except where otherwise required by bushfire restrictions.
106. Action plans for the vegetated knoll must be in accordance with the following.
 - a. Subdivision Phase
 - i. Along the northern edge of Stage 6/2, a public walkway must be established behind the lots, running east-west near the edge of the environmental protection zone boundary. This can be achieved in conjunction with the slashed 10 m bushfire asset protection zone that is required along this edge.
 - ii. The proposed access road between the northern and southern parts of Stage 6, which crosses the 7(d) land, must be constructed as close as possible to natural ground level and will be a *low level* road, with minimal width, cut and fill, drainage, etc, so that it fits as closely as possible to the natural topography.
 - iii. The services connecting the northern and southern parts of Stage 6 must be buried under or close to the edge of the above access road. No services will be routed across remnant natural vegetation or across sites containing threatened plant species.
 - iv. It is noted that a route for stormwater and/or sewer lines may be required along the drainage line near the Killalea State Park. There appears to be ample room along this gully without affecting any remnant vegetation. The route must be checked by a botanist once the draft design plan is available.
 - b. Construction Phase
 - i. During construction near the edge of the 7(d) land, the interface between this land and the construction area must be marked with a highly visible fence, prior to any construction work beginning in that area.
 - ii. When construction is located upslope of the 7(d) land, measures must be taken to prevent sediment and other material moving from the construction area into the 7(d) land. The use of silt fences, swales and straw bales are appropriate as control measures.
 - iii. A separate Soil & Water Management Plan must be prepared for the Stage 6 subdivision, incorporating measures to protect the 7(d) land.
 - iv. All personnel working on the site must undergo an induction program that includes stressing that the demarcated 7(d) land is a *no go* zone for vehicles or disturbance under any circumstances.
 - v. The developer must ensure that all contractors do their utmost to minimise the amount of wind-blown debris entering the 7(d) land from adjacent construction areas. If necessary, a regular clean-up of the land must be organised.
 - c. Enhancing Conservation Values
 - i. A plan must be prepared showing the areas to undergo initial weeding and those areas to be planted with local native species.

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- ii. All regeneration work is to be carried out or supervised by a qualified bush regenerator or botanist, including weeding and planting.
 - iii. Weed eradication must be undertaken within and adjacent to the remnant rainforest patches. This will primarily involve the removal of *Lantana camara*; other weeds to be removed must be identified by the bush regenerator undertaking the work. The *Lantana* must be removed by hand, because the use of machinery is not appropriate within the remnants. The stems of large plants must be cut and painted with a herbicide. Small plants must be hand-pulled. There must be no wholesale removal of *Lantana* thickets, as they provide habitat for native plants and animals and their removal would destroy many native plants and habitat.
 - iv. Plants to be used in the revegetation work must be sourced from the local area, ie. within 5km of the 7(d) land. Propagation material will be gathered by an experienced seed collector.
- d. Appropriate Passive Recreational Pursuits
- i. A plan must be prepared by a qualified landscape architect showing the location of proposed recreational facilities in conjunction with the botanist.
 - ii. Liaison must be undertaken between Council and the management of Killalea State Park to integrate the recreational facilities of the 7(d) land and the park, for example walking tracks.
 - iii. Signs must be erected at strategic locations on the boundary of the 7(d) land to indicate, as a minimum: the area is a conservation area, the contact details of the land manager, and that care should be taken in using the areas to protect environmental values.

INFORMATION PACKAGE

107. An information package must be developed and supplied in the literature for the sale of allotments that includes the following advice.
- i. Domestic animals are a threat to native animal species and contribute to species decline. The keeping of domestic animals that cannot be contained within the property boundary is not supported. Dogs must be kept on a leash when outside of property boundaries.
 - ii. Weed invasion is a major threat to native bushland. The dumping of lawn clippings, plant material and rubbish in bushland is not permitted. The use of potentially invasive exotic plant species (eg: *Cotoneaster*, *Pyracantha*, *Privet* and *Willow* spp) in residential gardens should be avoided.
 - iii. The adoption of natural cultural and biological control methods for garden pests is encouraged. Chemical control treatments have the potential to adversely impact on soil and water quality, which may enter the sensitive wetland environment via ground-water movement.
 - iv. Fallen trees, logs and bush rock provide important habitats for many native animal species. The removal of such items from bushland for use in wood-burning stoves, barbeques or landscaping is not permitted, and
 - v. Recreational activities that result in the degradation of bushland and the wetlands, such as trail bike riding, are not permitted.
108. Strategic areas within the subdivision shall be suitably signposted drawing attention to the matters raised in the information package including additional warnings related to bush fire and lighting of fires in a heavily vegetated area in close proximity to

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residences. The location and number must be determined with the Development of the Programme of Works for the Knoll.

109. Additional information in the form of literature to be made available at the point of sale must emphasise design principles to take into account the slope of allotments and to design relative to the contours. This is for all of Stage 6/2, Lots 6310–6327 and all allotments adjacent to Roads 620, 611, 612.

Street Lighting

110. 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 relevant Subdivision Certificates. All costs associated with the installation of street lighting must be borne by the developer.

Street Names

111. 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:

- 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.

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

DEPARTMENT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES (DIPNR)

Integrated Development

113. 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

114. 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.

Special Conditions

- h. The applicant is required to prepare a detailed soil and water management plan for each separate construction stage and submit to DIPNR for assessment and approval prior to the commencement of works. This condition is enforced to ensure the integrity of the adjoining water courses are maintained during the Stage 6 residential development program.

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 *11 March 2004*

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.

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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.

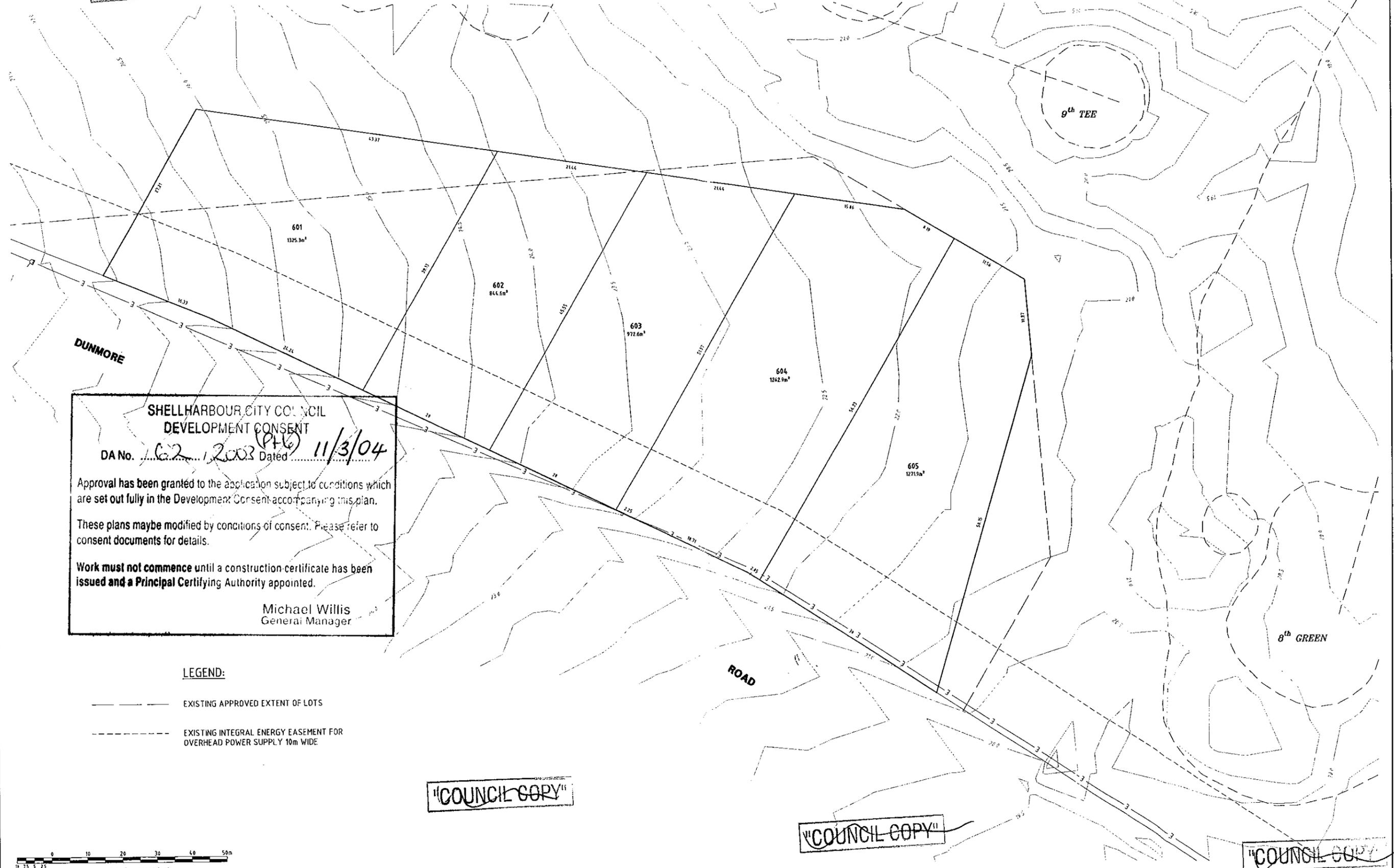


Grant Meredith
Manager Development Services

on behalf of Brian A Weir, General Manager

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"COUNCIL COPY"



**SHELL HARBOUR CITY COUNCIL
DEVELOPMENT CONSENT**

DA No. 62/2003 (P16) Dated 11/3/04

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

These plans may be modified by conditions of consent. Please refer to consent documents for details.

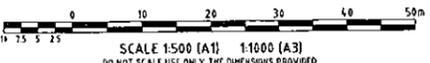
Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.

Michael Willis
General Manager

LEGEND:

--- EXISTING APPROVED EXTENT OF LOTS

--- EXISTING INTEGRAL ENERGY EASEMENT FOR OVERHEAD POWER SUPPLY 10m WIDE



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No.	Description	Drawn	Design	Appd	Certified	Reg No.	Date
A	ISSUED FOR 556 APPROVAL	DG	DG	DG			10.01.11
Amendments							

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Civil Engineers • Structural Engineers • Project Managers • Water Servicing Co-ordinators
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Client	AUSTRALAND CORPORATION (NSW)
Project	SHELL COVE - STAGE 6H
Title	DIMENSIONAL SITE PLAN

Datum	AHD
ISG	NOT FOR CONSTRUCTION
Project No.	CS0457-DA001
Drawing No.	A
Rev	

Date: 11/24/11 11:53 AM
 User: MICHAEL WILLIS - Shell Cove - Stage 6H
 File: \\M:\Projects\Shell Cove\Stage 6H\DWG\DA001.DWG

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