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28 MAR 2012

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

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Issued under the Environmental Planning & Assessment Act 1979 Section 81(1)(a)

Being the applicant of Development Application No. 203/2007 for consent to the following development:

**HARBOUR BOULEVARDE (NORTH), ASSOCIATED INTERSECTION WORKS
& SIX LOT TORRENS TITLE SUBDIVISION**
**LOT 74, DP 229374, LOT B, DP 420074, LOT 8250, DP 1153225, LOT 2, DP 109304
& LOT 82, DP 729172**
**WATTLE ROAD, ADDISON STREET & SHELLHARBOUR ROAD,
SHELL COVE & SHELLHARBOUR**

BUILDING CODE OF AUSTRALIA
BUILDING CLASSIFICATION: Not Applicable
28 MAR 2012

Determination date of consent

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT AN ORDINARY MEETING OF COUNCIL HELD ON 20 MARCH 2012, ITEM NO. 11.2.1, MINUTE NO. 56 SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate (Subdivision) & PCA Notification
Environmental Planning & Assessment Act 1979 Section 81A

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier
- b. appoint a Principal Certifying Authority.

Note: For Torrens Title Subdivision, the appointed Principal Certifying Authority must be Shellharbour City Council.

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 тешкотии 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 entsprechenden 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 ευχαριστως 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.

PORTUGUES

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.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

The development must be in accordance with the following except as modified by conditions of this consent.

| Name of Plan | Prepared By | Drawing/Document No./Revision | Drawing/Document Date |
|------------------------------------|--------------------------------|--|-----------------------|
| Subdivision Plan | BMD Consulting | CS0233-03-DA02 Rev E | 22/9/2011 |
| Concept Landscape Plan | LFA (pacific) Pty Ltd | Appendix D to Statement of Environmental Effects | May 2007 |
| Concept Drainage Plan | BMD Consulting | CS0233-03-DA05 Rev A | 3/2/2011 |
| Statement of Environmental Effects | Australand Corporation Pty Ltd | Un-numbered | May 2007 |

A4 Compliance with Notations on Drawings

Works must comply with any notations highlighted in red on the approved plans.

A5 Consent & Permit 2534

The terms of the CONSENT TO CARRY OUT THE DESTRUCTION OF AN ABORIGINAL OBJECT/PLACE AND PERMIT TO COLLECT AND/OR EXCAVATE FOR THE PURPOSE OF SALVAGE must be complied with at all times.

A6 Aboriginal Archaeology

The applicant must ensure that construction/project supervisors are fully informed and briefed with respect to the Consent and Permit No. 2534. Details of measures taken to ensure compliance with this condition must be submitted to Council prior to the commencement of works but no later than the meeting referred to in Condition A7.

A7 Meeting with Council

A site meeting must be held with Council's Senior Subdivision Engineer (or delegate) and Council's Aboriginal Community Liaison Officer, prior to the commencement of works. The meeting must be held at least seven days before work commences.

A8 Other Council Approvals

Section 138 of the *Roads Act 1993* applies for works within Council's road reserves. For any works or road occupation application must be made to Council. Such application must be made in advance of any works with approval in place, prior to the commencement of works.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

B1 Landscape Works

Street tree planting and landscaping must be undertaken by the developer to Council's satisfaction and at the developer's cost. In this regard, two copies of a landscape plan prepared by a Landscape Architect must be submitted to and approved by the Certifying Authority prior to the issue of the Subdivision Construction Certificate. The time schedule for street tree planting must be detailed on the landscape plan. The landscape plan must be prepared in accordance with Council's *Landscape Guidelines Development Control Plan*, available from Council's Customer Service or can be downloaded from Council's website.

The landscaping plans and the civil design plans must be designed and assessed concurrently and neither will be approved in isolation.

B2 Waste Management - Excavated Material

Any material excavated from the site surplus to requirements must be taken to an approved land fill site or stockpiled onsite for future use in the Shell Cove development. Details of this location must be submitted with the Construction Certificate application and be approved by the Certifying Authority prior to the issue of the Construction Certificate. Fill may only be taken to another site with prior written approval of Council.

B3 Subdivision Code

All works must be designed in accordance with the requirements set out in the version of the Shellharbour City Council Subdivision Code current at the time of issue of this consent.

B4 Existing Services & Utilities

The location of all services including approximate depths (gas, water, sewer, electricity, telephone, communications and traffic signals) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

B5 Proposed Services & Utilities

A combined services plan which indicates the location of all proposed services and utilities (ie gas, water, sewer, electricity, communications, traffic lights, etc), pathways, drainage infrastructure, service conduits, signs, street furniture and street tree planting must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

All proposed services and utilities must be installed in accordance with the allocations stipulated in the document 'Guide to Codes & Practices for Streets Opening:2007 NSW Streets Opening Conference'.

All costs associated with the design and installation of the proposed services and utilities must be borne by the applicant.

B6 Road & Drainage Plans

Road and drainage plans, prepared by a suitably qualified engineer, in accordance with Council's Standards (Subdivision Design Code), must be submitted to the Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. All road and drainage work must then be constructed in accordance with Council's construction Standards and approval at no cost to Council.

See also Condition No. B26.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

B7 Pedestrian & Cycle Paths

The provision of pedestrian and cycle paths must be in accordance with the *Shell Cove Cycleway and Shared Use Path Plan 2005*.

Details concerning the paths including location, widths and standard of construction in accordance with the *Subdivision Design Code* must be provided with the application for the Subdivision Construction Certificate.

B8 Road Standards & Design

All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.

The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit a 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. Details must be submitted with the Construction Certificate Application.

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.

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.

B9 Road Pavement Design

The engineering construction drawings must contain all details of the proposed pavement design. Details of the final layer (ie 2 x 20mm layers or 1 single 30mm layer) and the timing of its placement must be included in the engineering drawings.

B10 Sediment Control & Water Quality Control

The developer must submit a 'Soil and Water Management Plan' to the Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. The Soil and Water Management Plan must be prepared in accordance with the 'Blue Book' and 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, and
- c. specific measures to control dust generated as a result of construction activities on site.

Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.

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 relevant State Agencies namely the NSW Office of Environment and Heritage.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

B11 Geotechnical Report

A final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- i. extent and stability of proposed embankments including those acting as retarding basins
- ii. recommended Geotechnical testing requirements
- iii. required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
- iv. compaction specification for all fill within private subdivisions
- v. the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering plans shall be amended to indicate that no vibratory rollers shall be used within that zone
- vi. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation
- vii. the preferred treatment of any unstable areas within privately owned allotments
- viii. requirement for subsurface drainage lines, and
- ix. overall suitability of the engineering plans for the proposed development.

B12 Pollution Control Facilities

Water pollution control facilities must be provided or appropriately planned for within the Shell Cove development site where the quality of the water discharging off and from the proposed infrastructure is of lesser quality than that prior to the development taking place.

Details of the water pollution control facilities must be provided to the Certifying Authority for approval prior to the issue of the Construction Certificate.

B13 Overflow Paths

Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. Details of the proposed overflow paths must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

B14 Adverse Run-off Impacts

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff. Attention must be paid to ensure adequate protection for buildings against the ingress of surface runoff. Details must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

B15 Re-direction or Treatment of Stormwater Runoff

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that runoff must not adversely affect any other property. Details must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

B16 Tailout Drains

The developer must construct all tailout drains to the invert of the drainage channels with grouted rock pitching unless otherwise approved by the Principal Certifying Authority. Specifications for the rock pitching are as follows:

| | |
|------------------|------------------------------------|
| Rock: | 100mm-200mm nominal size hard rock |
| Grout: | 100mm thick concrete |
| Rock projection: | 75mm above bed |
| Rock coverage: | 90% in plan view |

Details of any treatment must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

B17 Scour Protection in Drainage Channels

All drainage channels and overland flow paths must be treated with appropriate scour protection measures. Details must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

B18 Design for Probable Maximum Flood

The impact of the Probable Maximum Flood (PMF) in relation to the performance of all bridging structures, overflow paths and its impact on filled areas and finished floor levels must be assessed. The objective of this assessment is to ensure that the impacts of the PMF are properly managed. Details must be submitted with the Subdivision Construction Certificate Application.

B19 Road Layout & Grade

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.

B20 Soil and Water Management Plan

A comprehensive Soil and Water Management Plan that takes into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book', must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The plan must ensure the following objectives are achieved:

- a. All possible sediment controls are installed prior to the commencement of work
- b. To minimise the area of soils exposed at any one time
- c. To conserve topsoil for reuse on site
- d. To identify and protect proposed stockpile locations
- e. To preserve existing vegetation and identify revegetation techniques and materials

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

- f. To control surface water flows through the development construction site on a manner that:
 - i. diverts clean run-off around disturbed areas
 - ii. minimises slope gradient and flow distance within disturbed areas
 - iii. ensures surface run-off occurs at non-erodable velocities, and
 - iv. ensures disturbed areas are promptly rehabilitated.
- g. Trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilised (includes landscaping)
- h. A program for the treatment/flocculation of sediment ponds including proposed time frames and proposed gypsum dosage (or other proposed materials), and
- i. Specific measures to control dust generated as a result of construction activities on site.

B21 Soil and Water Management Plan Bond

The developer must lodge a bond to the amount of \$20,000 for the development 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 Construction Certificate 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.

B22 Site Management Plan

A Site Management Plan must be prepared which aims to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services and utilities during demolition, excavation and construction phases of the development.

The Site Management Plan must include the following elements:

- i. proposed ingress and egress points for vehicles to/from the construction site
- ii. proposed protection of pedestrians, adjacent to the construction site
- iii. proposed pedestrian management whilst vehicles are entering/exiting the construction site
- iv. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like

Development Application No. 203/2007

Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1163225, Lot 2, DP 109304 & Lot 82, DP 729172

Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

- v. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site
- vi. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period
- vii. proposed traffic control measures, which are to be detailed in a Traffic Control Plan which conforms to the requirements of the current version of the NSW Roads and Traffic Authority's Specification – 'Traffic Control at Work Sites Manual' and the Australian Standard AS1742. – 'Manual of Uniform Traffic Control Devices' and accompanying field handbooks (SAA HB81)

The Traffic Control Plan must be prepared by an experienced person who holds NSW Roads and Traffic Authority accreditation.
- viii. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in civil engineering, and
- ix. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The Site Management Plan must be submitted for approval to the Certifying Authority prior to commencement of construction. Where Council owned infrastructure is impacted, the Site Management Plan must be endorsed by Council in writing prior to commencement of construction.

B23 Asset Management

Prior to issue of the Construction Certificate the following documentation must be submitted to the Certifying Authority for approval:

- i. The length, square meterage and cost of constructed roadworks to be dedicated as public road.
- ii. An itemised list of the size, length and type of pipe, associated pits and water quality features in the proposed drainage system to be handed over to Council (not including common drainage lines or inter-allotment drainage).
- iii. Itemised list of street signs and street furniture including their current cost.
- iv. Itemised list of plantings in public areas. Cost of plantings must be provided (to be based on current Landscape Contractors' Association figures).
- v. Maintenance schedule of landscape works and civil works and costs to Council associated with the ongoing maintenance of the work.

B24 Acid Sulfate Soils

This site may contain acid sulfate soils.

An Acid Sulfate Soil Management Plan must be provided to the Certifying Authority prior to the issue of the Construction Certificate, if deemed necessary. The Plan must be prepared in accordance with the *NSW Acid Sulfate Soil Manual 1998*.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

B25 Traffic Committee

Prior to the issue of a Construction Certificate, a signposting and line-marking plan must be lodged with the City of Shellharbour Traffic Committee for written concurrence. This plan must detail all facilities, signage and line-marking required within and surrounding the development.

Written concurrence and implementation of the plan must be achieved prior to issue of the Subdivision Certificate.

B26 Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must be generally in accordance with Concept Stormwater Drainage Layout plan CS0233-03-DA05 Revn A dated 3 February 2011, prepared by BMD Consultants and to the satisfaction of the Certifying Authority. The plan must indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

The detailed stormwater design must cater for the safe passage of overland flow for the 1% AEP storm event.

B27 Installation of Stormwater Pipes

All 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'.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Public Liability

Prior to works commencing, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy must note Council as an interested party.

See also Part A of this consent, in particular Condition A7.

C2 Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

C3 Contamination Assessment - Harbour Boulevard

Prior to roadworks commencing, a Targeted Phase 2 Contamination Assessment must be carried out for Lot B, DP 420074.

The completion of such an assessment will characterise the nature and extent of any site contamination and provide necessary remedial requirements. Any recommendations including remedial works must be undertaken by the developer. The report must be submitted to Council for review and information.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

PART D – DURING CONSTRUCTION WORKS

D1 Site Documentation

A full set of approved documents (Development Consent, Construction Certificate Drawings and associated documentation) must be maintained on site for the duration of the construction works.

D2 Hours of Work

Noise generating activities including demolition, construction, excavation and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays
- 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays.

D3 Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D4 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained. Any variations to the Waste Management Plan must have prior written approval of Council.

D5 Imported Fill Material

The only fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*)
- b. any other waste derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

The intent of this requirement is to ensure that imported fill is of an acceptable standard for environmental protection purposes.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

Note: The application of waste derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste derived material the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

D6 Protection Fencing

The existing vegetation located on Proposed Lot 4 must be fenced to the limit of construction works prior to any works commencing. The protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

In this regard the proposed 2.5m wide cycleway located to the south west and adjacent the new road should be pegged and inspected by an ecologist prior to construction to ensure that it does not impact significantly on the stand of woodland and that the alignment is optimised to minimise any impact.

D7 Tree Removal

No trees are to be removed from the site without specific Council consent. In this regard, consent is granted for the removal of trees for road construction purposes only.

D8 Service Conduits

Service 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.

D9 Road Construction

In situ density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.

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'.

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.

D10 Installation of Stormwater Pipes

All 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'.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

D11 Connections to Any Council Pits

Connection to a Council pit must be made through the hole that is to be neatly made by cutting or drilling. Any reinforcement that is encountered is to be 'cut away'. The connection must not protrude above the inner surface of the Council pit. An inspection of the works must be made by Council before the junction is finished with 2:1 cement mortar.

D12 Geotechnical Testing

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.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 Final Plan

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:

- a. an application for a Subdivision Certificate
- b. 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. 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

The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) coordinates and must contain closed linework of boundaries and easements.

It can be submitted in DXF, DWG, DGN or MapInfo TAB format. This requirement is dependant on the complexity of the Subdivision and is at the discretion of the Subdivision & Development Officer or the Manager Land & Geographic Information Systems, Shellharbour City Council.

- c. fees appropriate at the time of submission of the application.

F2 Street Lighting

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.

F3 Road Construction Final Layer Bond

To minimise the impact of incomplete road works on the community in the event that asphalt is proposed to be constructed in two non-contiguous layers, a security bond is required to the value of \$180,000 to ensure the final layer of asphalt is completed in accordance with the requirements of Council and the development consent. Evidence that the bond has been paid must form a part of the Subdivision Certificate application.

The security bond will not be required if the asphalt is proposed to be completed during the construction period.

Development Application No. 203/2007

Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172

Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

F4 Stormwater Pipes Inspection

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

F5 Street Names

Proposed street names for all new roads must be submitted for Council's consideration.

The submission must include the;

- a. reasons for/or background/history to the names and estate theme
- b. an A4 size plan of the street layout with proposed names and road numbers if applicable
- c. fees in accordance with Council's *Fees & Charges*.

Street names must be finalised prior to release of the Subdivision Certificate.

F6 Service Conduits

Service 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.

F7 Works As Executed

A Work As Executed Plan must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. As a minimum, the plan must show:

- a. the extent, depth and final levels of filling
- b. the location of all underground service conduits
- c. all deviations from the approved civil engineering plans
- d. the location of interallotment drainage connections
- e. certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement.

F8 Subdivision - Completion of Landscape Works

Landscaping must be completed to Council's written satisfaction prior to the issue of the Subdivision Certificate.

F9 Dedication to Council

All intended roads, pathways and drainage easements must be dedicated to Council.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

F10 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), shall be the responsibility of the owner of the property and must be repaired and reinstated prior to the issue of the Subdivision Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

F11 Release of Certificate

The Subdivision Certificate must not be released until all works required for the development, subject of this consent, have been completed.

F12 Subdivision Fees

Subdivision Certificate fees must be paid by the applicant prior to the release of the final plan of subdivision. The fee payable must be that applicable at the time of final plan release.

PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE

G1 Future Development

No consent is given or implied for any future development on the subject land. Any future development, not part of this consent, requires separate development approval.

G2 Subdivision - Landscape/Street Tree Maintenance Period

The landscape must be maintained for a minimum period of 12 months commencing from the date of the issue of the Subdivision Certificate, unless otherwise agreed to in writing by Council. The developer must ensure that any defective landscaping shall be rectified and/or replaced during the maintenance period in accordance with the approved landscape plan. All costs arising during the maintenance period must be borne by the developer. The developer must notify Council for a re-inspection at the end of the maintenance period.

G3 Maintenance of Road and Drainage Works

The developer must maintain the road and drainage works for a defects liability period of six months from the date of registration of practical completion of the works.

G4 Traffic Monitoring

Monitoring of vehicular movements must commence within one year of the opening of Harbour Boulevard and be conducted annually thereafter. Monitoring is to be undertaken by a suitably qualified traffic consultant and results submitted to Council for review and information.

G5 Acoustic Treatment

When traffic volumes on Harbour Boulevard exceed 10,000 vehicles per day, the developer must install acoustic treatment to achieve $L_{EQ (15 \text{ hour})}$ 55dBA for existing properties in Old Bass Point Road.

Prior to the installation of acoustic treatment, details must be submitted to Council for review and information.

PART H - INTEGRATED DEVELOPMENT (APPROVALS FROM OTHER AGENCIES)

ROADS and MARITIME SERVICES

H1

The traffic signals at the intersection of Shellharbour Road, Wattle Street and Addison Street shall be realigned to incorporate the proposed Harbour Boulevard, as shown indicatively on the attached preliminary plan (Drawing No. 101-GA). The existing right turn bay for vehicles travelling north on Shellharbour Road (and entering the proposed Harbour Boulevard) shall be extended to 100m plus taper.

Note: RTA analysis indicates that an additional phase is likely to be required at this intersection.

H2

Traffic signals shall be provided at the intersection of Addison Street and the proposed Harbour Boulevard as shown indicatively on the attached preliminary plan (Drawing No. 101-GA). The signals shall be coordinated with the signals on Shellharbour Road.

H3

In addition to the footpaths shown in the attached preliminary plan (Drawing No 101-GA), a footpath (minimum 1.5m wide) shall be provided on the southern side of Addison Street between the Harbour Boulevard and Old Bass Point Road.

H4

Geometric road design shall be in accordance with *Austroads Guide to Road Design* and any relevant *Supplements to Austroads Guides*. Supplements to Austroads Guides can be found at <http://www.rta.nsw.gov.au/doingbusinesswithus/austroadsguides/index.html>. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*. Traffic Signals shall be designed in accordance with the *Austroads Guide to Road Design Part 4a: Unsignalised and signalised intersections*, *Austroads Guide To Traffic Management Part 6: Intersections, Interchanges and Crossings* (2007) and RMS' *Traffic Signal Design* guidelines. The *Traffic Signal Design* guidelines can be found at http://whome.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/trafficsignaldesign_dl1.html. Signalised entries to private developments are covered in this document under section 15.11.

Note: The above works shall be subject to a detailed design review by the RTA under a Works Authorisation Deed and the costs of any modifications required to meet RTA standards shall be borne by the applicant.

H5

Lighting shall be upgraded in accordance with Australian Standard AS/NZS1158.

H6

All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the RTA. All works shall be completed prior to the opening of the Harbour Boulevard.

H7

Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) for the above road works/traffic control facilities. To progress the post consent process, the developer should email the consent to: landusesouthern@rta.nsw.gov.au.

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
Wattle Road, Addison Street & Shellharbour Road, Shell Cove & Shellharbour

H8

Section 138 consent under the *Roads Act, 1993* shall be obtained from the RTA prior to construction.

Note: Since a WAD is required for the subject roadworks the RTA will be exercising its powers under Section 64 of the *Roads Act, 1993* to become the roads authority.

H9

The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

Advisory Notes - Project Specific

ANP1 Sydney Water - Contribution

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.

ANP2 Sydney Water - Subdivision & Services

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.

Advisory Notes - General

AN1 Erection of Signs

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

AN2 WorkCover Authority

The requirements of WorkCover Authority must be satisfied at all times.

AN3 Obstacle Height Limitation - Airport

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

AN4 Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non compliance

Development Application No. 203/2007
Lot 74, DP 229374, Lot B, DP 420074, Lot 8250, DP 1153225, Lot 2, DP 109304 & Lot 82, DP 729172
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AN5 Lapsing of Development Consent

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 physically commenced.

AN6 Right to 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 six months after the date on which you receive this notice.

AN7 Review of Determination

If you are dissatisfied with this decision, section 82A of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Section 82A of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

AN8 To Vary Development Consent

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 shall 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.

AN9 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.

AN10 Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au. Proposed works in the vicinity of any high pressure gas main must be directed to:

Jemena Asset Management Pty Ltd
PO Box 6507
SILVERWATER NSW 2128

Attention: Land Services Department



Grant Meredith
Group Manager City Development

On behalf of Michael Willis, General Manager

CC: Road Safety & Traffic Management Section
Roads and Maritime Services
PO Box 477
WOLLONGONG EAST NSW 2520



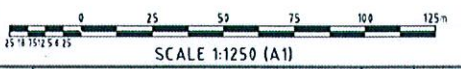
SHELL HARBOUR CITY COUNCIL
 DEVELOPMENT CONSENT
 DA No. 203 / 2007 Dated 28 MAR 2012

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 subject to 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



SCALE 1:1250 (A1)

| No. | Amendments | By | Appd | Date | No. | Amendments | By | Appd | Date |
|-----|--|----|------|----------|-----|------------|----|------|------|
| F | EXISTING AND PROPOSED TITLE BOUNDARIES AMENDED | DG | DG | 22.09.11 | | | | | |
| E | LOT 1 AMENDED AND LOT 3 ADDED | DG | DG | 03.07 | | | | | |
| D | STAGE BA-2 BOUNDARIES ADDED & LOT 2 DIMENSIONS AMENDED | DG | DG | 13.2.07 | | | | | |
| C | NWLR ALIGNMENT ADJUSTED, LOTS 3, 4 & 5 COMBINED INTO LOT 2 | DG | DG | 16.12.06 | | | | | |
| B | LOT DIMENSIONS ADDED | DG | DG | 17.8.06 | | | | | |
| A | ISSUED FOR INFORMATION | DG | DG | 17.2.06 | | | | | |



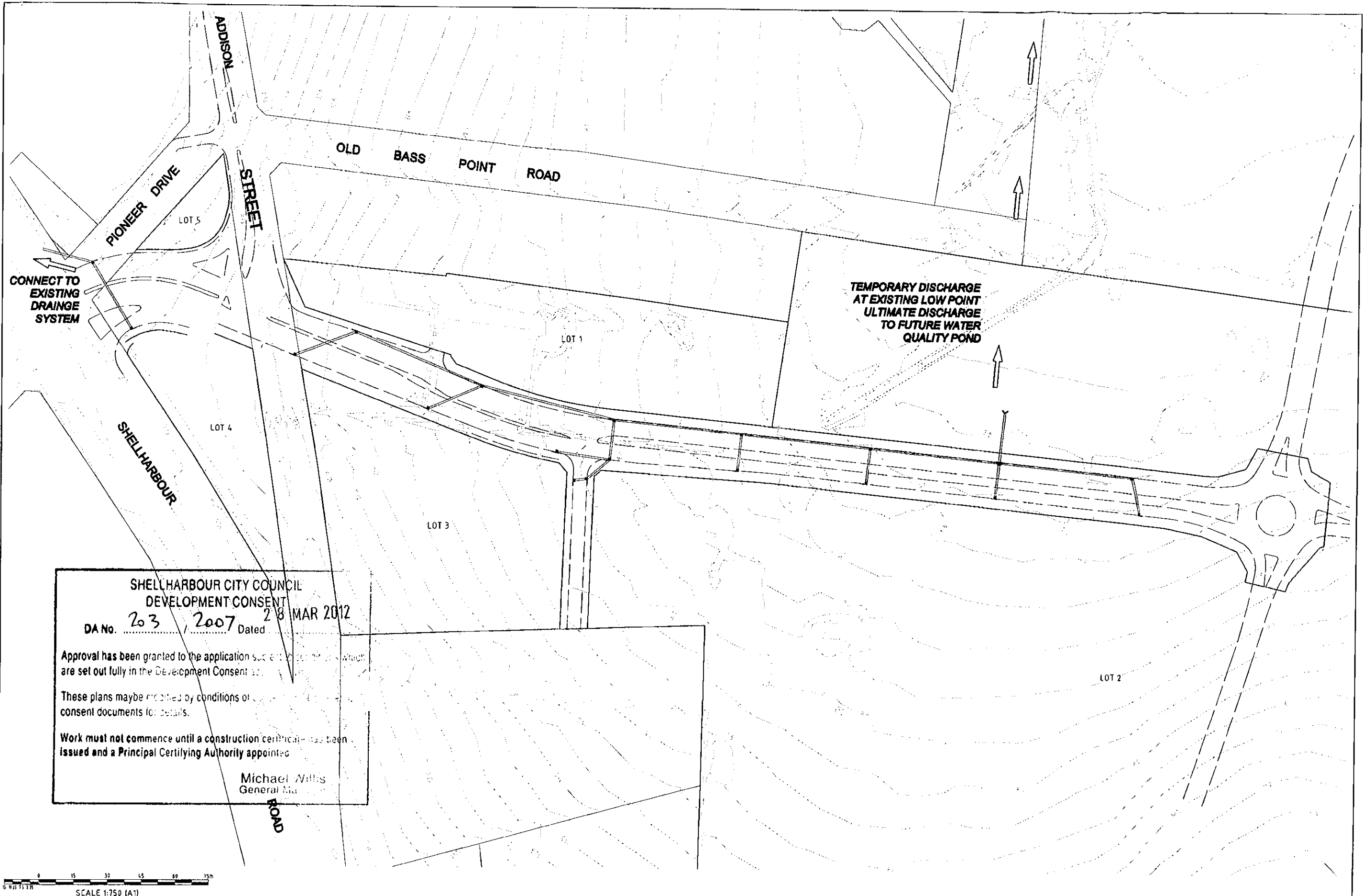
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 Cairns Office: 1/100 Esplanade, Cairns, QLD 4870
 Ph: (07) 4355 5555 Fax: (07) 4355 1511

| | |
|-----------------------|------------|
| Design | |
| Drawn | D. Gerardo |
| Checked | |
| Original Approved By: | |
| NPER No. | |
| Date | |
| Datum | A.H.D. |

| | | |
|---------|---|-----|
| Client | AUSTRALAND HOLDINGS LTD. | |
| Project | SHELL COVE - HARBOUR BOULEVARDE (NORTH) | |
| Title | PROPOSED SUBDIVISION PLAN | |
| | NOT FOR CONSTRUCTION | Rev |
| | Drawing No. CS0233-03-DA02 | E |

User: DAVID GERARDO
 File Name: I:\SHELL COVE\CS0233 - Shell Cove Harbour Blvd\Drawings\Title\CS0233-03-DA02
 Date: 22-Sep-11 3:44 PM
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 User: DAVID GERARDS
 Date: 11/03/12 11:34 AM

| No. | Amendments | By | Appd | Date | No. | Amendments | By | Appd | Date |
|-----|------------------------|----|------|----------|-----|------------|----|------|------|
| 1 | ISSUED FOR INFORMATION | DG | DG | 03.02.11 | | | | | |

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|---|----------------------------------|--|--|--|---|
| <small>AUSTRALAND HOLDINGS LIMITED 6000, SYDNEY SHELL HARBOUR PO BOX 104, SHELL HARBOUR NSW PHONE (02) 42 82 36 FAX (02) 42 82 31</small> | <small>SHELL HARBOUR</small> | <small>BMD CONSULTING Civil Engineers Structural Engineers & Project Managers ABN 23 010 743 002</small> | Design Drawn Checked Original Approved By: NAPER No. Date Datum | Client AUSTRALAND HOLDINGS LTD. Project SHELL COVE - HARBOUR BOULEVARDE (NORTH) Title CONCEPT STORMWATER DRAINAGE LAYOUT PLAN | NOT FOR CONSTRUCTION Drawing No. CS0233-03-DA05 Rev A |
| | | | Head Office - Brisbane Ph: (07) 3493 1511 Townsville Office - Cairns Office Ph: (07) 4255 5555 Ph: (07) 4435 7544 | Sydney Office 3 The Grange Macquarie Bldg, NSW 2122 P.O. Box 3542 Rhodes Shipping Centre, NSW 2127 Ph: (02) 9475 4981 Fax: (02) 9475 4988 email: bmd@bmdconsulting.com.au www.bmd.com.au | |