



- 3 NOV 2013

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**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. 268/2013 for consent to the following development:

**11 LOT TORRENS TITLE SUBDIVISION**  
**LOTS: 6535 & 6542      DP: 1135834**  
**PINE VALLEY CLOSE, SHELL COVE**

**2 DEC 2013**

Determination date of consent.....

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT UNDER DELEGATED AUTHORITY 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.

**RECEIVED**  
**5 DEC 2013**

**PART A - ADMINISTRATIVE CONDITIONS**

**A1 Construction Certificate (Subdivision) & PCA Notification** BY:.....  
**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, and
- b. appoint a Principal Certifying Authority.

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

**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 No./Revision	Drawing Date
Subdivision Plan	Cardno	FR112021-001 SK105 Version P8	08.02.2013
Waste Management Plan	Australand Corporation (NSW) Pty Ltd	-	29.07.2013
Statement of Environmental Effects	Cardno	112021-07/Report 001 ver 6	September 2013

### A4 Easements

Structures must not encroach onto any easement.

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

### B1 Controlled Activity Approval – NSW Office of Water

The applicant shall obtain a Controlled Activity Approval under the *Water Management Act 2000* from the NSW Office of Water.

The Controlled Activity Approval shall be submitted to the Principal Certifying Authority. The Subdivision Construction Certificate shall not be issued over any part of the development site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

### B2 Initial Geotechnical Report

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

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

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario 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 structures/buildings, high risk areas shall be identified on a plan and the approved engineering plans shall be amended to indicate that no vibratory rollers shall be used within that zone,
- e. 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,
- f. the recommended treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines, and

- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

### **B3 Soil and Water Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, a SWMP shall be submitted to and approved by the Certifying Authority.

The SWMP shall clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and specify the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities shall be referred to where applicable.

Further, the SWMP shall take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* also known as the *Blue Book*, (and shall be compatible with the construction management plan required by this consent - only if such a plan is required) thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials,
- e. 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-erodible velocities, and
  - iv. ensures disturbed areas are promptly rehabilitated.
- f. 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),
- g. specifies measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds shall be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 100 year ARI event at all inlet and outlet structures, and
- j. including measures to prevent the tracking of sediment off the site.

### **B4 Soil and Water Management Plan (SWMP) Bond**

The developer shall lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved SWMP. This bond shall be in the form of an irrevocable bank guarantee made out in favour of Council, and shall operate as follows:

- a. the bond shall be submitted to Council prior to the release of the Subdivision Construction Certificate,
- b. the bond shall be held by Council until the expiration of the defects liability period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads, and

- c. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.

#### **B5 Road Design**

The road design shall comply with the following:

- a. the grading and layout of all roads and lots shall not allow for trapped low points and in addition ensure that overland flow is passed safely over public land,
- b. the road pavement shall be designed with one layer of asphalt having a minimum thickness of 40mm AC 14. The pavement design for the proposed roads shall be carried out by a qualified Geotechnical/Civil engineer in accordance with *AUSTROADS Guide to Pavement Technology*,
- c. all vertical and horizontal alignment of all streets and all street intersections within the development shall have adequate sight distance provided in accordance with AUSTROADS requirements,
- d. the geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features shall be such as to permit a 12.5m articulated vehicle to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway, and
- e. the relevant drawings shall be annotated and properly referenced showing compliance with this condition. The drawings shall be submitted with application for a Subdivision Construction Certificate for approval by the Certifying Authority.

#### **B6 Drainage Design**

A detailed drainage design of the site shall be submitted and approved prior to the release of the Subdivision Construction Certificate. The detailed plan must:

- a. be generally in accordance with the Layout Plan ref FR112021-001 SK105 prepared by Cardno on 08.02.2013,
- b. drain to the neighbouring golf course,
- c. 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,
- d. roads be designed to cater for a 1 in 5 year Average Recurrence Interval storm event and interallotment roads be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- e. provide overflow drainage paths that are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- f. comply with Council's *Shellharbour Development Control Plan* and AS/NZS 3500.3:2003 *Plumbing and Drainage - Stormwater Drainage* unless variation is specifically noted and approved on DA concept drainage plan, and
- g. be to the satisfaction of the Certifying Authority.

**B7 Stormwater Discharge to Natural Watercourse**

Stormwater discharge point to the natural watercourse shall be protected against erosion. Details shall be submitted with the Subdivision Construction Certificate and to the satisfaction of the Certifying Authority.

**B8 Structural Design of Deep Pits**

All pits deeper than 0.9 metres shall be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have galvanised steel or stainless steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres are to be reinforced concrete. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.

**B9 Road Drainage Plans**

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

All stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council shall be installed generally to the HS3 standard in accordance with the current edition of AS 3725 - *Design for Installation of Buried Concrete Pipe*.

**B10 Electricity Substation**

Where required, the land owner shall dedicate to the applicable energy supplier, free of cost, an area of land within the development site (excluding any approved landscaped area) to enable an electricity substation to be installed. The size and location of the substation shall be submitted for approval of both Council and the energy provider prior to the Subdivision Construction Certificate being issued.

**PART C - PRIOR TO COMMENCEMENT OF WORKS**

**C1 Public Liability**

Prior to works commencing, the owner or contractor shall 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 shall note Council as an interested party.

**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 shall be submitted to Council prior to the commencement of work.

**C3 Waste Management - Excavated Material**

Any material excavated from the site shall be taken to an approved land fill site. Details of this location shall be submitted and be approved by the Certifying Authority prior to the

commencement of works. Excavated material may only be taken to another site with prior written approval of Council.

#### **C4 Soil and Water Management Plan Implementation (SWMP)**

The measures required in the SWMP approved by the Certifying Authority shall be implemented prior to the commencement of works.

#### **C5 Construction Traffic Management Plan (CTMP)**

Prior to the commencement of works, a CTMP detailing vehicle routes, number of trucks, hours of operation, access arrangements, impact on pedestrians and traffic control shall be submitted to and approved by the Certifying Authority.

It is the developer's responsibility to adequately inform construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Procedures are adhered to at all times.

#### **C6 Site Management Plan**

Prior to the commencement of works, the developer shall submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- e. the proposed method of support to 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.

### **PART D – DURING DEMOLITION/CONSTRUCTION WORKS**

#### **D1 Site Documentation**

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

#### **D2 Hours of Work**

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

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

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

**D3 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993**

Where it is proposed to:

- a. open up a roadway or footpath, or
  - b. occupy the public road reserve for any reason (common reasons include to pump concrete, stand mobile crane, pump stormwater from the site),
- a Road Opening Permit under section 138 of the *Roads Act 1993* is required.

Written application must be made to Council for the temporary occupation of the road reserve. An application fee will apply in accordance with Council's *Fees and Charges*.

The application may require:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. a Traffic Management Plan,
- c. provision of Public Risk Insurance, and
- d. details of timing and length of works.

**D4 Maintenance of Soil and Water Management Plan (SWMP)**

The soil and water management controls shall be maintained at all times during each stage of the development and checked for adequacy daily. The controls shall not be removed until the development is completed and the disturbed areas have been stabilised to the satisfaction of the Certifying Authority.

Maintenance shall include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. that drains, gutters and roads are maintained clear of sediment at all times.

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.

**D5 Lots and Site Filling**

All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS 3798-2007 or subsequent amendments.

**D6 Road Construction and Road Drainage Construction**

The site manager shall arrange for a satisfactory inspection by Shellharbour City Council of the following works:

- a. all road drainage works prior to backfilling of the work, and
- b. all road construction inspections as per Council's Subdivision Design Code.

#### **D7 Subdivision Design Code Compliance**

All works to be dedicated as a Council asset shall be installed/constructed in accordance with Council's Subdivision Design Code.

#### **D8 Geotechnical Testing - Drainage**

Geotechnical testing shall be carried out and results submitted to the Certifying Authority to verify that the pipe trench bedding and backfill complies with the requirements outlined in Australian Standard AS 3725 - *Design for Installation of Buried Concrete Pipe*.

#### **D9 Street Lighting**

A Public Lighting Design Brief shall be submitted to Shellharbour City Council for approval for the provision of street lighting on all new public roads to be dedicated to Council. A street lighting design plan shall be prepared by an accredited service provider for contestable works in NSW and submitted to the Energy provider for approval prior to construction. All street lighting shall comply with the electricity service provider *Street Lighting Policy* and illumination requirements. All costs associated with the installation of street lighting shall be borne by the developer.

#### **D10 Waste Management**

The management of waste shall comply with the approved Waste Management Plan (refer Parts B & C). All receipts such as waste disposal dockets must be retained (refer Part F). Any variations to the Waste Management Plan shall have prior written approval of the Certifying Authority.

### **PART E - PRIOR TO OCCUPATION**

Not Applicable

### **PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

#### **F1 Final Plan of Subdivision**

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. five paper prints of the final plan of subdivision,
- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. 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 must be submitted in DWG or DXF format on cd-rom or by email to [traffic&subdivision@shellharbour.nsw.gov.au](mailto:traffic&subdivision@shellharbour.nsw.gov.au)

The email and the electronic copy should be named "Subdivision Title & Stage DA 350268/2013, Pine Valley Place Shell Cove Final Plan".

All sections of the plan, 88B Instrument and Administration Sheet including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.



## **F2 Sydney Water Section 73 Compliance Certificate**

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

Application shall be made through an authorised Water Servicing Coordinator. Please refer [www.sydneywater.com.au](http://www.sydneywater.com.au) > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

## **F3 Section 94 Contributions**

A contribution of \$86,541.93 shall be paid to Council towards the provision of community facilities and services prior to the issue of the Subdivision Certificate. This amount has been calculated in accordance with Council's *Section 94 Contributions Plan 2005 (Amendment 1)* dated 14 September 2006.

The *Section 94 Contributions Plan 2005* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)

**Note:** The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Subdivision Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

## **F4 Road Dedication**

Prior to issue of the Subdivision Certificate, Benkelman beam testing shall be undertaken on all roads proposed for dedication as road reserve. Testing shall be carried out in accordance with the current version of the Shellharbour City Council Subdivision Design Code at the time of issue of this consent. The acceptance criteria will be based on the tolerable deflections as specified by AUSTRROADS at the time of issue of this consent.

At the time immediately prior to Road 01 to become a designated gazetted public road, an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The road is to be handed over to Council at no cost to Council prior to issue of the Subdivision Certificate.

## **F5 Final Geotechnical Report**

A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to,:

- a. all earthwork operations,
- b. a fill plan showing extent and depth of fill,
- c. certification that all earthworks within the site have complied with the Subdivision Design Code. This shall include appropriate test results, test location diagram and date of testing,

- d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied,
- e. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of drainage lines, which must be burdened with a title restriction in the Section 88B Instrument,
- f. identification of all land affected by landslip or instability constraints (if applicable), and
- g. verification that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill.

#### **F6 Inspection of Stormwater Pipes**

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council shall be inspected by CCTV. A copy of the CCTV inspection shall be recorded and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. Damaged pipes shall either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of an Subdivision Certificate.

#### **F7 Works As Executed Plans - Subdivision**

Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. The Works As Executed dimensions and levels shall be shown in red on a copy of the approved Construction Certificate plans. As a minimum, the plan shall show:

- a. compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines,
- b. certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement (where relevant),
- c. compliance with the approved design plans of paved areas within rights of carriageway and road reserve,
- d. the extent, depth and final levels of filling,
- e. the location of all underground service conduits, and
- f. all deviations from the approved Civil Engineering Plans

All levels must relate to Australian Height Datum.

#### **F8 Utility services**

Prior to the release of the Subdivision Certificate for the development written advice must be submitted to the Principal Certifying Authority:

- a. that all requirements for the supply of electricity to the proposed allotments have been satisfied from the relevant electricity provider, and
- b. that all requirements for the supply of gas services to the proposed allotments have been satisfied from a natural gas accredited contractor.

#### **F9 Street Trees**

Prior to the issue of the Subdivision Certificate, one tree per residential lot shall be planted on the Council footpath reserve, as follows:

- a. 75lt *Waterhousia floribunda*
- b. planted at least 2.5m from the driveway, 3m from street light poles, service lines into lots and stormwater outlets, and 8m from road corner/intersections
- c. trees must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed
- d. 1m x 1.5m timber edging installed at the base of the tree constructed from the back of the kerb
- e. two hardwood stakes with 50mm hessian ties, fixed in a figure 8, to support each tree
- f. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk.

#### **F10 Street Tree Inspection**

The street trees shall be inspected by Council prior to the release of the Subdivision Certificate. It is the responsibility of the developer to notify Council for the street tree inspection.

A street tree inspection fee will be payable prior to the inspection in accordance with Council's *Fees and Charges*.

#### **F11 Verification of Waste Management**

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan shall be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate. All records, such as waste disposal docketts or photographic evidence, shall be retained by the Principal Certifying Authority.

#### **F12 Easements/Restrictions on Title**

Easements/restrictions (eg drainage) shall be identified on the final plan of subdivision and included in the 88B Instrument.

#### **F13 Street Names**

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

The submission shall include the:

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

Street names and/or public reserve names must be finalised prior to release of the Subdivision Certificate.

**F14 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.

**F15 Services & 88B Instrument**

Lots affected by new or existing services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant service providers.

**F16 Padmount Substations**

Where padmount substations are incorporated into an allotment, a restricted building zone must be created in accordance with the requirements of the electricity service provider. A restriction as to user must be placed on the 88B instrument limiting structures within this zone to only those that satisfy the requirements of the electricity service provider.

**F17 Repairs to Public Infrastructure**

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

**F18 Release of Certificate**

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

**PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE**

**G1 Street Tree Maintenance Period**

The newly planted street trees shall be maintained for a period of 6 months from the date of the release of the Subdivision Certificate to Council's satisfaction.

**G2 Maintenance of Road & Drainage Works**

The developer shall maintain the road and drainage works for a defects liability period of 12 months from the date of registration of the final plan of subdivision. Road and drainage shall be maintained in its original construction condition for this liability period.

**PART H - OTHER APPROVALS**

**H1 General Terms of Approval - s91 *Water Management Act 2000***

### H1.1 Plans, Standards & Guidelines

- a. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to Development Application No. 268/2013 and provided by Council:
  - i. Site plan, map and/or surveys
  - ii. Statement of Environmental Effects

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
- b. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act 2000* from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- c. The consent holder must prepare or commission the preparation of:
  - i. Detailed Drainage Plan
  - ii. Soil and Water Management Plan
- d. All plans must be prepared by a suitably qualified person and submitted to the NSW Officer of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
  - i. laying Pipes and cables in watercourses
  - ii. in-stream works
  - iii. outlet structures.
- e. The consent holder must:
  - i. carry out any controlled activity in accordance with approved plans and
  - ii. construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
  - iii. when required, provide a certificate of completion to the NSW Office of Water.

### H1.2 Disposal

The consent holder must ensure that no materials or cleared vegetation that may

- i. obstruct flow,
- ii. wash into the water body, or
- iii. cause damage to river banks

are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

### **H1.3 Drainage & Stormwater**

- a. The consent holder is to ensure that all drainage works:
  - i. capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
  - ii. do not obstruct flow other than in accordance with a plan approved by the NSW Office of Water.
- b. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

### **H1.4 Erosion Control**

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

### **H1.5 Excavation**

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

### ***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.

<b>Advisory Notes - General</b>
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#### **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.

**Development Application No. 268/2013  
Lots 6535 & 6542, Pine Valley Close, Shell Cove**

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**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

**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.

**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 Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**AN11 Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

**AN12 Development within Vicinity of a High Pressure Gas Main**

Contact Dial Before You Dig on 1100 or [www.dialbeforeyoudig.com.au](http://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

Development Application No. 268/2013  
Lots 6535 & 6542, Pine Valley Close, Shell Cove

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Nick Cavallo  
**Senior Development Assessment Officer**  
**City Development**

On behalf of Michael Willis, General Manager

~~CC: Office of Water~~  
~~PO Box 53~~  
~~WOLLONGONG 2520~~

Attention: Mr J Morice Ref 9057253