

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

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



TO: Walker Corporation  
PO Box A148  
SHELLHARBOUR NSW 2529

- 2 JAN 2001

Being the applicant of Development Application No. 699/2000 for consent to the following development:

**11 LOT TORRENS TITLE SUBDIVISION**  
  
**LOT: 3151 & 3152 DP: 1006783**  
  
**BAUDIN AVENUE & JAMES COOK PARKWAY**  
**SHELL COVE**

Determination date of consent ..... **22 DEC 2000** .....

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

**CONSTRUCTION CERTIFICATE (SUBDIVISION) & PCA NOTIFICATION**

1. The person having the benefit of the development consent must:
  - a. Obtain a construction certificate (subdivision) from Shellharbour City Council or an Accredited Certifier (S81A); and
  - b. Appoint a Principal Certifying Authority (S81A).

**LEGISLATION**

2. The subdivision must be carried out in strict conformity with the plans, specifications and conditions approved by Council.
3. This consent is a development consent under the provisions of the *Environmental Planning and Assessment Act, 1979, as amended*, and it will now be necessary to obtain a Construction Certificate (Subdivision). In this regard, it will be necessary to submit the following:

All communications  
addressed to:  
**GENERAL MANAGER**  
P.O. Box 155 Shellharbour Square  
Shellharbour City Centre 2529  
Telephone: 02 4221 6111  
  
Facsimile: 02 4221 6016  
DX 26402 Shellharbour Square  
  
**ADMINISTRATION CENTRE:**  
Lamerton House, Lamerton Cres  
Shellharbour City Centre 2529  
  
**COUNCIL MEETING CHAMBER**  
Cnr Shellharbour &  
Lake Entrance Roads Warilla

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- a. An application for a Construction Certificate (Subdivision).
- b. Five(5) paper prints or copies of the relevant subdivision plan.
- c. Fees appropriate at the time of submission of the application.

**FINAL PLAN**

4. Prior to the release of the final plan of subdivision it will be necessary to obtain a Subdivision Certificate. In this regard it will be necessary to submit the following:
  - i. An application for a Subdivision Certificate.
  - ii. A satisfactory final plan of subdivision, an electronic copy and fifteen paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy shall be in ISG coordinates and shall be submitted in DXF or DWG format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) shall be completed prior to lodging the plan.
  - iii. Fees appropriate at the time of submission of the application.
5. Electricity shall be provided to all proposed lots. In this regard the developer shall submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
6. Telephone service shall be provided to all proposed lots. In this regard the developer shall submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
7. Lots affected by new or existing services shall be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority, Sydney Water and Integral Energy.
8. The developer shall submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
9. A restriction shall be placed on the 88B Instrument creating an interallotment drainage easement and easement for services, 1m (minimum) wide, over all interallotment drainage pipelines and services. Favourable consideration will be

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given by Council to remove this easement if services and drainage are mutually exclusive.

**GENERAL**

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

In this regard, a Certificate under Section 73 of the *Water Board (Corporatisation) Act 1994* must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate for the construction of the dwelling.

11. Sydney Water (Illawarra Branch) may require a contribution towards new water and sewerage services or amplification of the existing system for the development, the subject of this consent.
12. As Torrens Title subdivision is proposed Sydney Water should be consulted with regard to the need for separate services to be provided for each lot.

**TOWN PLANNING**

**Bonds & Contributions**

13. A contribution under Section 94 of the *Environmental Planning and Assessment Act, 1979*, for the sum of \$36,017.73 must be lodged with Council prior to the release of the subdivision certificate for the provision of community facilities and services in accordance with Council's Fifth Review *Section 94 Contributions Management Plan* dated 6 December 2000 which was prepared in accordance with *Section 94AB* of the Act.

The *Contributions Management Plan* may be inspected at Council's Technical Services Division, Lamerton House, Lamerton Crescent, Blackbutt.

14. The Section 94 contribution set out in the above conditions and any capital contributions for works that may be specified elsewhere in this consent must be recalculated in accordance with movements in the *Implicit Price Deflator for Gross Fixed Capital Expenditure – Private Non-Dwelling Construction (IPD)*, published by the *Australian Bureau of Statistics*. The recalculation shall be in accordance with the following formula:

$$C_p = C_c \times \frac{I.P.D._p}{I.P.D._c}$$

Where

$C_p$  = Contribution at date of payment.

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- $C_c$  = Contribution at date of consent (as specified in the relevant Condition of Consent).
- $IPD_p$  = Latest published *Implicit Price Deflator for Gross Fixed Capital Expenditure – Private Non-Dwelling Construction*, at the date of payment.
- $IPD_c$  = Latest published *Implicit Price Deflator for Gross Fixed Expenditure – Private Non-Dwelling Construction*, at the date of granting of consent.

**ENGINEERING REQUIREMENTS**

**General**

15. Road and drainage plans for the subdivision, prepared by a suitably qualified Engineer and in accordance with Council's Standards, shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All road and drainage work shall then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.
16. A set of approved engineering plans shall be kept on site at all times during the construction phase.
17. The developer shall maintain the road and drainage works for a defects liability period of six months from the date of registration of the final plan of subdivision.

**Drainage**

18. Interallotment drainage shall be provided to dispose of storm water from those allotments, which do not have fall to a public road.
19. Stormwater drainage and interallotment drainage shall be designed for the critical flood event with an average recurrence interval of 1 in 10 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. Runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years shall be directed over public land.

**Road Standards**

20. The stub end of James Cook Parkway shall extend a minimum distance of 6m beyond the common boundary of Lots 9 & 10 to grant proposed Lot 9 a reasonable access driveway.
21. James Cook Parkway shall be constructed with a 6.0m wide carriageway with 3.0m wide footpaths within a 12.0m road reserve. The public road dedication

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shall extend for the full frontage of Lots 1 & 9, such that existing drainage infrastructure and overflow paths are contained within the public road reserve.

22. The pavement design for the proposed roads shall 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 shall be submitted to Council for approval prior to the release of the engineering plans.
23. Insitu density tests shall be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.
24. A residential standard concrete footpath crossing, width 3.5m, shall be constructed across the footpath at the point of access from Baudin Avenue to proposed Lots 4 & 5. This work shall be carried out by Council, or a Council approved contractor, at the Developer's expense.
25. A concrete accessway, width 3.5m, shall be constructed within the access handle serving proposed Lots 4 & 5. The minimum acceptable standard is a 150mm deep concrete pavement reinforced with F72 steel mesh. Alternatively, the pavement shall be designed by a qualified Civil Engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Australian Standard "Guide to Residential Pavements" (AS 3727-1993) can be used as the design guideline for the pavement design.
26. A restriction shall be placed on the 88B Instrument creating a reciprocal Right of Carriageway 2.5m Wide over the access handles of proposed Lots 4 & 5.

***REASONS FOR THE IMPOSITION OF CONDITIONS***

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

***SUPPLEMENTARY ADVICE***

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

**NOTES:**

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1. In accordance with Section 95 of the *Environmental Planning & Assessment Act 1979*, the Development Approval lapses five (5) years after the approval date unless building, engineering or construction work relating to the building has substantially physically commenced.

**The building must be completed, in accordance with the approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.**

2. **Right of Appeal**

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

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

3. The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under Section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee 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.

4. **Prescribed Payment System Tax Obligations**

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



Graham H Mitchell  
**Manager, Development Services**

On behalf of Brian A Weir, General Manager