

JRPP No:	2010STH032
DA No:	DA 28/2010
PROPOSED DEVELOPMENT:	Subdivision of Land - 71 Residential Lots, 4 Superlots, 2 Public Reserve Lots, Residue Lot & Ancillary Watercourse/wetland Construction. Lot 206, DP 857030, Lot 9004, DP 1117743, Boolwarroo Parade, Shell Cove
APPLICANT:	Australand Corporation (NSW) Pty Ltd
REPORT BY:	Shellharbour Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The development application has been referred to the Joint Regional Planning Panel pursuant to Clause 13B(2)(b) of the *State Environmental Planning Policy (Major Development 2005)* as Council is the owner of land on which the proposed development is to be carried out, and the capital investment value exceeds \$5M.

Proposal

The development application seeks approval for the development of a subdivision for 71 residential lots, 4 superlots, 2 public reserve lots and 1 residue lot, watercourse works and two sediment ponds.

Permissibility

The site is zoned Residential 2(f) - Mixed Use Residential F, pursuant to *Shellharbour Local Environmental Plan 2000* (SLEP 2000). The proposal is legally defined and characterised as 'subdivision' and is permissible, with development consent under cl 77 of the SLEP. The development will facilitate further residential and other developments which are permissible in the zone thereby creating mixed use residential neighbours which is consistent with the objectives of the zone.

Consultation

The application was notified in accordance with Council's *Notification Policy Development Control Plan*. Two submissions were received.

Main Issues

None identified.

RECOMMENDATION

It is recommended that DA No. 28/2010 be approved subject to the conditions contained in Attachment 4.

Context

In 1994, a Preliminary Structure Plan for Shell Cove was developed to provide a general direction for the development of the Shell Cove residential estate and assist in the assessment of development applications. A revised Shell Cove Structure Plan was adopted on 12 August 2003. The Plan, in broad terms, illustrates the envisaged layout of the residential estate known as 'Shell Cove', with the focus being a boat harbour.

The Structure Plan is at Attachment 1.

This development application (DA No. 28/2010) for a residential subdivision, known as Stage 10D, is adjacent to the proposed boat harbour precinct, which is subject of a Part 3A Application, lodged under the *State Environmental Planning Policy (Major Projects) 2005*. The Part 3A application is currently under assessment based on details obtained from the Department's website at the time of writing this report.

Stage 10D is being reported to the Joint Regional Planning Panel (JRPP) as the proposed development exceeds the capital investment value of \$5M with Council having an interest in the proposal as landowner.

This application follows on from an earlier subdivision for 82 residential lots, considered by the Joint Regional Planning Panel (JRPP) on 19 November 2010. Development Consent for that subdivision was issued on 1 December 2009.

Site Description

The site is located in a master planned residential estate located about 17km south of Wollongong. The estate is located directly south of the existing Shellharbour Village and is bounded by South Shellharbour Beach, Killalea State Park, Bass Point Quarry and Shellharbour Road.

Stage 10D comprises approximately 14.4 ha of land in the east of the Shell Cove Estate. The land includes Lot 9004 in DP 1117743 and Lot 206 in DP 857030.

Refer to Attachment 2. This attachment (plan) shows the site relative to the Shell Cove estate.

The land was formerly farmland. It contains a temporary sediment point in the north west corner. A stockpile of excavated rock material and earth is located in the south east corner of the site. The land slopes towards the east.

The Proposal

The proposal is to construct 71 new residential lots, 4 superlots, 2 public reserves and 1 residue lot.

Attachment 3 is a plan of the proposed subdivision.

The application was supported by a Statement of Environmental Effects prepared by LFA (Pacific) Pty Limited with assistance from several consultancies which provided specialist reports addressing a range of issues including:

- flora and fauna
- traffic and transport
- noise
- aboriginal archaeology
- flooding
- bushfire

The applicant for the proposal is Australand Corporation (NSW) Pty Limited.

Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

In determining a development application, the consent authority must take into consideration matters referred to in section 79C (1) of the EP&A Act 1979 as relevant to the proposal. The following table summarises salient points under section 79C (1) with issues discussed in the body of this report.

Section 79C(1) of the <i>Environmental Planning & Assessment Act 1979</i>	
(a)(i)	any environmental planning instrument
	<u>State Environmental Planning Policies</u> <ul style="list-style-type: none"> • SEPP 71 - Coastal Protection • SEPP (Major Development) 2005 <u>Regional Environmental Planning Policies</u> <ul style="list-style-type: none"> • Illawarra Regional Environmental Plan No. 1 1986 - (Deemed SEPP 1 July 2009) <u>Local Environmental Planning Policies</u> <ul style="list-style-type: none"> • Shellharbour Local Environmental Plan 2000
(a)(ii)	any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified by the consent authority
	<ul style="list-style-type: none"> • None applicable
(a)(iii)	any development control plan
	<ul style="list-style-type: none"> • Residential Subdivision Development Control Plan • Notifications Policy Development Control Plan • Flood Plain Risk Management Development Control Plan • Waste Minimisation and Management Development Control Plan (Amendment No. 1)
(a)(iiia)	any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F
	<ul style="list-style-type: none"> • None applicable

Section 79C(1) of the *Environmental Planning & Assessment Act 1979*

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

NSW Coastal Policy 1997 applies

(b) the likely impacts of development

Context and Setting

The proposal is to take place on appropriately zoned land, which has been specifically identified for residential development via a master planning process.

Access, Transport and Traffic

The existing road networks have sufficient capacity to cater for anticipated loads from the proposed subdivision with or without the development of the boat harbour and new road link (continuation of Wattle Road and new 'Harbour Boulevard'. The new 'Harbour Boulevard' is the subject of a separate application to Council).

Utilities

All services will be provided to the new residential lots, at expense to the developer.

Soil, Water Air and Microclimate

The impacts on soil, water and air are expected to primarily associate with the construction phase of the development. In this regard, the subdivision design, implementation of management plans and conditions of consent should assist in mitigating impacts. Stormwater and sewerage can be managed by the provision of appropriate infrastructure.

Flora and Fauna

Stage 10D is bounded by remnant native vegetation. In light of this, Council's Environment & Recreation Section has reviewed the proposal and recommended special conditions to ensure that Riparian areas are properly managed. However, the riparian areas will not be developed (including wetlands) with this proposal as the wetlands have been removed from the proposal (see later in this report).

Waste

The application has not detailed 'waste' likely to be generated. Noting that the subdivision will include earthworks, waste associated with the development may be superfluous earth, concrete and so on. A condition of consent is required to address this issue.

Noise and Vibration

These are construction impacts that must be managed and are issues which can be addressed via conditions of consent and are covered by other legislation. Noise associated with Quarry Road can be mitigated by the inclusion of barriers (as done elsewhere in the estate) and dwelling design.

Natural Hazards

The site is mapped as bushfire prone. The Rural Fire Service has issued a Bushfire Authority and recommended conditions of consent.

Whilst Council's records have suggested the presence of acid sulphate soils, Council's mapping does not show the presence of any soils. Geotechnical investigations undertaken in the area have not highlighted this as an issue.

Council's engineer is satisfied that the issue of flooding has been satisfactory addressed in the design of the development.

Section 79C(1) of the *Environmental Planning & Assessment Act 1979*

Social Impacts

The creation of new lots will provide additional housing opportunities within the LGA. The additional population will provide additional demands on urban infrastructure, services and facilities. Section 94 contributions will assist in supplying some services/facilities provided by Council.

Economic Impacts

The new subdivision will have an economic impact by providing housing construction opportunities.

(c) the suitability of the site for development

The proposal is appropriate for the site and meets the objectives of the zone.

(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's *Notifications Policy Development Control Plan*. Two submissions were received.

(e) the public interest

Whilst noting submissions, balanced against the wider community, social and economic benefits, the proposal is considered to be in the public interest.

State Environmental Planning Policy (Major Development) 2005

As previously mentioned, the application has been referred to the JRPP pursuant to clause 13(2)(b) as the capital investment value exceeds \$5 million and Council owns the land.

State Environmental Planning Policy No. 71 - Coastal Protection

The proposal falls within the Coastal Zone as defined by the SEPP and the relevant matters for consideration are:

- Part 1 - clause 2, aims
- Part 2 - clause 8, various heads of consideration, and
- Part 4 - development controls.

Part 5 of the SEPP does not apply. This Part requires the preparation of a masterplan. Shell Cove benefits from an existing plan. A waiver has been granted in accordance with clause 18(1)(a) of the SEPP. The letter is dated 23 March 2007 and grants a waiver for stages 8, 9 and 10 of the Shell Cove estate.

In broad terms, the aims of the SEPP seek to protect and manage the unique attributes of the NSW coast by encouraging sensitive and appropriate development. The SEPP is a means of implementing the State's *Coastal Policy*.

The proposed subdivision is not considered inconsistent with the aims of the SEPP as the heads of consideration listed in clause 8 and part 4 are capable of being addressed. In short:

- Public access to the coast will not be compromised by the development.

- The proposed subdivision development is considered suitable having regard to adjoining similar development. The proposal will tie in with that development being consistent in character and appearance with the overall predominantly low residential density character of the estate.
- The proposed subdivision will not result in any adverse overshadowing or loss of view corridors and opportunities. Views to the coast will be retained from key public vantage points beyond the estate enjoyed by the broader community.
- Flora and fauna habitats will not be compromised. The establishment of Riparian corridors in the estate and within this stage, will enhance opportunities for wildlife in the locality.
- The site is low lying and within the Coastal Zone. The issue of flooding and climate change has been considered. With reference to potential sea level rise and rainfall intensity, it is envisaged that the proposal will not be adversely affected.
- The site is located in an area identified for residential development. It adjoins similar development and as such there are no inherent land use conflicts or potential conflicts envisaged with land uses nearby or proposed water uses. Whilst proximity to a quarry haul road is noted, the issue of noise can be mitigated by appropriately designed barriers and dwellings.
- There are no (European) heritage issues.
- Aboriginal heritage was considered and addressed (see later in this report).
- The proposal will have cumulative impacts in that it introduces additional residential land supply and therefore social, economic and physical impacts. Appropriate conditions of consent and suitable design will ensure that the impacts are managed and are acceptable to the broader community within the context of urban subdivision development.
- All urban services will be made available to the estate with future housing required to be designed with due regard to energy efficiency via BASIX.
- Stormwater and effluent will be captured via systems purposely designed for the estate. Features include: removal of a temporary pond, remodelling of a high flow channel downstream from Shallows Drive and inclusion of 2 new sediment ponds. These ponds will remain in place until such time that future wetlands are established and integrated into the existing open space and wetland system. It is understood that the ponds will be the subject of separate application to Council at a later date.

Illawarra Regional Environmental Plan No. 1 1986 (Deemed SEPP 1 July 2009)

The aim of this Plan is to maximise the opportunities for the Illawarra Region and State to meet individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources.

It is considered that the masterplan (also referred to as a Structure Plan) took into consideration the provisions of the IREP when originally formulated and for the overall planning of the estate.

Shellharbour Local Environmental Plan 2000 (SLEP 2000)

The site is zoned 2(f) Mixed Use Residential F, zone under the SLEP 2000. Under clause 77 of the SLEP 2000, development consent is required for subdivision.

Under clause 10(3) of the SLEP 2000 the consent authority must take into account the objectives of the zone. Clause 24(2) states

Objectives of the zone

- a. *To allow for mixed use residential neighbourhoods to be developed providing for a range of household preferences and needs.*
- b. *To enable the development of a regional boat harbour facility and associated commercial and recreational activities.*

The proposed subdivision is not inconsistent with the objectives of the zone.

Part of the site is mapped as being within the quarry buffer area. The subdivision adjoins this area and the quarry haul road (formally named 'Quarry Haul Road'). Whilst there is potential for land use conflict in this location, it is significant to note that the estate has been progressively developed adjacent to the haul road, incorporating measures such as acoustic fencing and s88B restrictions on title, to ensure that dwellings that may be affected are designed to minimise noise disturbance. Typically this has included window and door design (and placement) and floor level controls.

Noting the proximity of the quarry haul road which caters for heavy vehicle movements a noise assessment was carried out by Acoustic Logic Consultancy (ACL) Pty Limited based on the 'NSW Environment Protection Authority's (EPA) specific interpretation of its Industrial Noise Policy' with respect to the quarry haul road.

ALC's report investigates the existing and future estimated noise levels of the site and makes recommendations to reduce night noise exposure levels especially the lots adjacent to Quarry Haul Road. The ACL Report recommends two alternatives for the design of acoustic barriers adjacent to the road. In the case of either option, façade treatments are recommended to external windows and doors facing the road. However façade treatments would not be required for residences in the second row of houses behind the road if the second option is pursued. Either option is acceptable.

The materials recommended for the barriers are heavy impervious materials or aerated concrete panels. The applicant advises that barriers will match Stage 10A (page 8 of the Statement of Environmental Effects).

Residential Subdivision Development Control Plan (DCP)

The proposal satisfies the general objectives outlined in Part 3 of the DCP which are:

- a. *To ensure that an emphasis on designing with the environment is achieved.*
- b. *To ensure that all new residential subdivisions are co-ordinated and maximise residential amenity by ensuring that roads, public transport, community facilities, open space facilities and pedestrian and cycle networks are integrated and satisfy Council's projected needs.*
- c. *To ensure the logical and economic phasing of development.*
- d. *To ensure that land capability, residential amenity and economic and social desirability issues are addressed.*
- e. *To ensure that each proposed allotment can accommodate all the functions associated with a dwelling.*
- f. *To encourage the opportunity for a variety of lot sizes, housing styles and forms in appropriate locations for the full range of consumer demand.*

- g. To promote energy efficient subdivision design and thereby maximise opportunities for solar access and energy efficient housing.*
- h. To ensure that public assets and infrastructure are provided as a long term investment for the community.*

Part 4 of the DCP outlines development standards that a proposed subdivision needs to satisfy including lot size, dimensions and orientation. In this regard:

- The lot density is about 12 dwellings per hectare.
- The proposal includes 71 standard lots which range from 450 square metres of about 890 square metres with an average of 670 square metres (excluding the superlots) which are intended for integrated housing sites thus providing for a range of housing types.
- Lots are mostly orientated 20 degree of north. Subject to suitable housing design or project homes selection, adequate solar access and energy efficiency will be achievable.

These are acceptable design solutions.

The DCP also has requirements to address:

- Transport networks - the road layout and design observes the established road hierarchy. About 90% of the lots are expected to be within 400m of bus routes.
- Street design and construction - Council's engineers are satisfied with the design and have recommended conditions of consent to ensure that the roads achieve appropriate widths with due regard to the traffic loading anticipated.
- Pedestrian and cyclist facilities - pedestrian paths and cycle networks will connect to previous stages. Page 8 of the Statement of Environmental Effects by LFA (Pacific) Pty Ltd states that paths and cycleways in Stages 7 and 10A-1, along watercourse 1 are to be extended into and through Stage 10D.
- Utilities - all urban services will be made available and be required to comply with relevant standards (eg electricity, street lighting, sewerage and so on).
- Drainage - the proposal will ensure that lots drain to the street or where they are unable to interallotment drainage easements can be created. Temporary sediment ponds are to be included in the proposal until such time that the wetland system is approved and developed. Council's Subdivision Development Engineer is satisfied that this solution is acceptable.
- Environmental site management - whilst the natural landform will be modified, the embellishment of the riparian corridor (subject to a future development application) is a positive outcome.
- Public open space - stage 10D includes open space associated with the future riparian corridor and parkland.
- Section 94 requirements - Council's section 94 accountant has calculated contributions for the development and determined that \$554,954.93 is payable to Council pursuant to Council's *Section 94 Contributions Plan 2005*, Amendment 1 dated 14 September 2006. A monetary contribution is not required in lieu of the physical provision of open space.

Consultation

Internal (Council)

Senior Subdivision Development Engineer

Upon deletion of the wetland ponds, the application was reconsidered with a revised drainage design incorporating temporary sediment basins as well as locations for temporary trash racks and gross pollutant traps. The applicant has advised that a separate development application is forthcoming for the ponds.

The proposed layout, road design, sediment ponds are deemed acceptable subject to suitable conditions of consent being imposed on the development. These include, but are not limited to the following matters:

- road standards and widths including pavement design
- soil sediment and water management
- sediment pond design, and
- site management

The site is flood affected and the Worley Parsons report assesses the flood extent during the two year Average Recurrent Interval (ARI) flood event. It did not refer to the PMF or Schedule 1 of Council's *Floodplain Risk Management Development Control Plan*. Accordingly a supplementary report was provided by Worley Parsons. It is also noted that there was a report (which has relevance to this proposal) submitted with the Part 3A proposal for the Boat Harbour Precinct.

These documents combined, satisfactorily address the issue of flood management and will ensure the estate is designed appropriately with lots constructed to the appropriate levels and provision of safe egress whilst taking into account the issue of sea level rise.

Recommended conditions are included in the attached conditions. Refer to Attachment 4.

Section 94 Accountant

A total of \$554,954.93 is payable for the residential lots for the provision of community services and facilities.

Aboriginal community Liaison Officer (ACLO)

Stage 10D contains a site included in Schedule A of the Consent and Permit to Collect (No. 2534) issued under section 87 of the *National Parks and Wildlife Act 1974*.

In the Background section of the Consent and Permit to Collect, it states that under the Act, a permit is given "to disturb and move Aboriginal objects for the purpose of salvage and also a consent pursuant to section 90 of the Act to destroy, damage or deface Aboriginal objects in the course of development activities associated with the Shell Cove Boatharbour/Marina Project".

There are special conditions in the Consent and Permit to Collect that relate to the development site.

Council's ACLO therefore recommends that representatives of the Aboriginal community (or authorised alternative archaeologist if community representative is unavailable) be appointed to oversee activities authorised by the Permit. Additionally, conditions are recommended to address the situation if artefacts are encountered and that all parties involved in the project be appropriately briefed on their roles and responsibilities under relevant legislation.

Whilst these conditions are recommended, they have not been included in their entirety in the conditions attached to this report. The reason being is that the Consent and Permit requires the appointment of representatives as Special Condition No. 1. A condition is however recommended requiring compliance with the terms and conditions contained in the Permit. A condition is also recommended to ensure that persons involved in the construction of the subdivision are suitably informed about the terms and conditions of the Consent and Permit to Collect.

Traffic Engineer

The proposed road geometry of an 8m carriageway width within a 15m road reserve is consistent with the requirements of Council's *Subdivision Development Control Plan*.

The traffic report modelling submitted with the proposal assumes full development of Shell Cove. Whilst the modelling shows volumes which may exceed Council's requirements, there is little benefit in applying higher road design standards to roads within the proposed subdivision. The proposed widths are adequate. They will help minimise and discourage through traffic (rat running) generated beyond Stage 10D.

Environment Officer

The flora and fauna assessment that supports the application was completed in 2001 for Stage 10A. However, given that there is no record of either threatened flora or fauna or remnant vegetation within the site, a detailed report is not required. However, there is remnant vegetation beyond the site which may contain fauna habitats, namely in riparian corridors. In this regard, conditions were recommended to ensure riparian corridor management. Following deletion of the wetland component of the development, these conditions are no longer necessary.

The information submitted with the application addressed potential climate change impacts though the completion of a sensitivity analysis or predicted future elevated sea levels and variable increases in rainfall intensity.

Although the Sea Level Rise (SLR) figures do not directly align the NSW SLR Policy, Council's Environmental Officer advises that they are considered suitably conservative and adequate for planning purposes.

External

NSW Rural Fire Service (RFS)

The land is mapped as bushfire prone. Therefore the proposal is classed as Integrated Development under section 91 of the *Environmental Planning and Assessment Act 1979*, therefore warranting approval under section 100B of the *Rural Fires Act 1997*.

The RFS Issued it's Bushfire Safety Authority subject to several conditions via letter dated 15 February 2010. These are included in Part H of the consent conditions attached to this report. (Refer to Part H in Attachment 4)

Department of Environment, Climate Change & Water NSW (Office of Water)

Works are proposed within 40m of a watercourse and as such the development is classed as Integrated under section 91 of the *Environmental Planning and Assessment Act 1979* warranting approval under the *Water Management Act 2000*.

The Office of Water granted it's General Terms of Approval via letter dated 18 February 2010. The conditions of that approval are included in the attached recommended conditions of consent. (Refer to Part H in Attachment 4)

Legal Advice - Corporate Solicitor & Kells the Lawyers

The application initially included two ponds which in aggregate area satisfied the definition of 'artificial waterbodies' contained in Part 1 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* being Designated Development.

Designated Development is development that warrants the preparation of an Environmental Impact Statement (EIS) on the basis that there are likely to be significant environmental impacts or issues to address.

An EIS must be undertaken in accordance with any specifications set by the Director General of the Department of Planning and other approval agencies. This form of development must also be advertised in accordance with specific requirements and can be subject to a third party merit appeal

The applicant argued during the assessment process, that by application of clause 37A(1) of the *Regulation*, the ponds were in effect 'ancillary' to the subdivision.

This issue was explored in detail by Council's solicitors which resulted in Council confirming its opinion that the wetlands are in fact Designated Development.

This position, or viewpoint (that the wetlands are Designated), is conservative and could be subject to legal argument. However, noting that Council is in effect in partnership with the developer a precautionary approach is appropriate.

Following lengthy debate and deliberations, the applicant has chosen to delete the wetland component of the development, thus resulting in the development being classed as an Integrated Development. Integrated meaning that approvals are required from agencies external to Council as detailed earlier in this report.

Procedural Audit - Martin Morris & Jones

In instances where Council has an interest in an application, Council obtains a procedural audit via a consultancy service. The audit is designed to ensure that due process is observed with respect to matters such as acknowledgement letters, notification processes and payment of fees. It is not a planning assessment.

With regard to this application, no procedural oversights or administrative concerns have been identified.

To add a further level of transparency to the assessment process, the matter is being considered and determined by a JRPP, which is independent to Council.

Public Exhibition of the Development

The proposal was notified in accordance with Council's *Notifications Policy Development Control Plan*. Two submissions were received, both objecting to the development. The concerns are summarised below.

Issue/Concern	Comment
Submission No. 1	
Shallows Drive is not wide enough to manage the significant volumes of traffic.	Refer to comments by Council's Traffic Engineer.
Submission No. 2	
The flora & fauna assessment does not relate to the development site.	Refer to comments by Council's Environment Officer.
Statements made in the report are misleading eg stage 10 being next to Stage 7, the marina precinct and haul road.	References in the report are understood to be references to the overall staging of the development not substages. Irrespective, the location and supporting plans adequately depict the location of the development.
Rainforest may occur on the site.	There is no rainforest on the site. <i>State Environmental Planning Policy No. 26 - Littoral Rainforests</i> does not apply.
The map in the documentation 'indicative creek alignment' does not show the natural watercourse. The creek cannot be found in any documentation.	The dimensional site plan and location plan included at Appendix B of the Statement of Environmental Effects provides contours and an aerial overlay. The creek, which has been modified, is within Reserve 3.
What does making the creek more natural mean?	The creek is generally degraded. Rehabilitation and establishment of a riparian corridor will improve habitat and opportunities along the creek.
The JRPP will not be able to ascertain significance of a lithic scatter of a site in vicinity of Stage 10D.	The cultural Heritage Review identifies all AHIMS sites. Council's ALCO has reviewed the report and made a series of recommendations concerning the current Permit which should ensure that Aboriginal heritage is properly managed and respected.
Bus routes are remote from Stage 10D.	The traffic study by AECOM (Appendix E of the Statement of Environmental Effects) notes that 90% of households should be within 400m of a bus route.
Roads should be wide enough unlike Shellharbour City Centre which cannot accommodate buses.	No bus routes are planned within Stage 10D. The road widths are considered satisfactory relative to the type and volume of traffic envisaged.
Cycleways between Stage 10D and the boat harbour are paths to 'nowhere'. The harbour is a dismount zone where cycling will be prohibited.	The Shell Cove Structure Plan provides paths through the central reserve spine. A future cycleway is proposed in the proposed Harbour Boulevard providing links to Bass Point, the village and Shellharbour South Beach.
Shallows Drive should have a dedicated bike or shared path.	The proposed paths are considered appropriate and safe.
Stage 10D does not contain a bike path.	There is provision for extension and the Shell Cove cycle network through Stage 10D. Refer to the Access & Transport Plan, Figure 04 in the Statement of Environmental Effects.
The pedestrian path alongside the watercourse is away from Stage 10D.	The level of connectivity and pedestrian access is considered adequate.
By preventing or limiting the use of Shallows Drive residents will need to take a longer trip to access shops, etc.	Shallows Drive has been specifically designed to limit 'rat running' through the precinct to address residential amenity.
Shallows Drive will carry excessive traffic.	See above and comments made by Council's Traffic Engineer.
"I object to the playing fields being called district playing fields." The expression is to give the site some credibility noting that fill (potential acid sulphate soils) may be emplaced on the site.	It is assumed that this is a reference to the future playing fields. These fields do not form part of this DA. The reference to potential acid sulphate soils is to an old tip site and is not relevant to this application.

Issue/Concern	Comment
Submission No. 2 (Cont'd)	
Rocks are stockpiled on the site. What will happen to them?	The applicant commented by way of letter that there are no stockpiles. The Statement of Environmental Effects refers, however, to a stockpile. Irrespective, the removal of material and importation thereof can be addressed via conditions of consent.
Extreme weather events should be taken into account. There is no reference to localised flooding and extreme weather events with particular reference to the ponds.	Flooding reports have addressed this issue. The ponds have been deleted from the application.
"I don't know how approvals for Integrated Developments work, but I would have thought if the NSW Office of Water as to assess the proposal under the framework of the <i>Water Management Act 2000</i> that assessment would be required and exhibited as part of this DA. I couldn't find the assessment in the DA documentation..."	<p>The assessment undertaken by external agencies for other approvals is concurrent to Council's assessment. This process is detailed in the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>A consent authority requires the external agencies' 'General Terms of Approval' in order to issue a Development Consent. If an approval is not forthcoming, the Consent Authority must refuse the application. Both the Rural Fire Service and Office of Water have issued their 'approvals' under the relevant legislation.</p>

Likely Impacts of Development

The subdivision layout and design integrates with adjoining residential development and future development envisaged for the boat harbour precinct. The size and shape of allotments is consistent with existing development and is commensurate with community expectations for conventional Torrens titled residential lots in the Local Government Area.

The subdivision will provide housing opportunities in the Shellharbour Local Government Area and provide employment via development/construction of housing.

The construction phase of the development will have physical impacts that need to be properly managed, including soil, water, noise and dust.

Soil and water management plans, their implementation and compliance therewith should assist with effective site management. Further, through conditions of consent waste and dust are also considered capable of being managed and are not reasons which would warrant refusal of the application.

Suitability of the Site

The site does not appear to have any physical impediments to prevent development. The site has previously been cleared for grazing and is zoned appropriately having also been the subject to a master planning process.

Public/Social Impact

The new allotments will provide additional housing opportunities. Whilst the lots are likely to be developed for conventional housing, the proposal includes larger lots which are being set aside for integrated housing (houses on small lots) opportunities therefore providing a choice in housing types.

The increased population in the area will increase demand on urban services and facilities. Payment of section 94 contributions will assist in the delivery of some of these services by local government. The developer will be responsible for the provision and delivery of infrastructure to the subdivision.

Political Donations/Disclosures

None made.

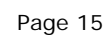
Conclusion

The proposal is consistent with the masterplan for the estate which shows residential development for the site.

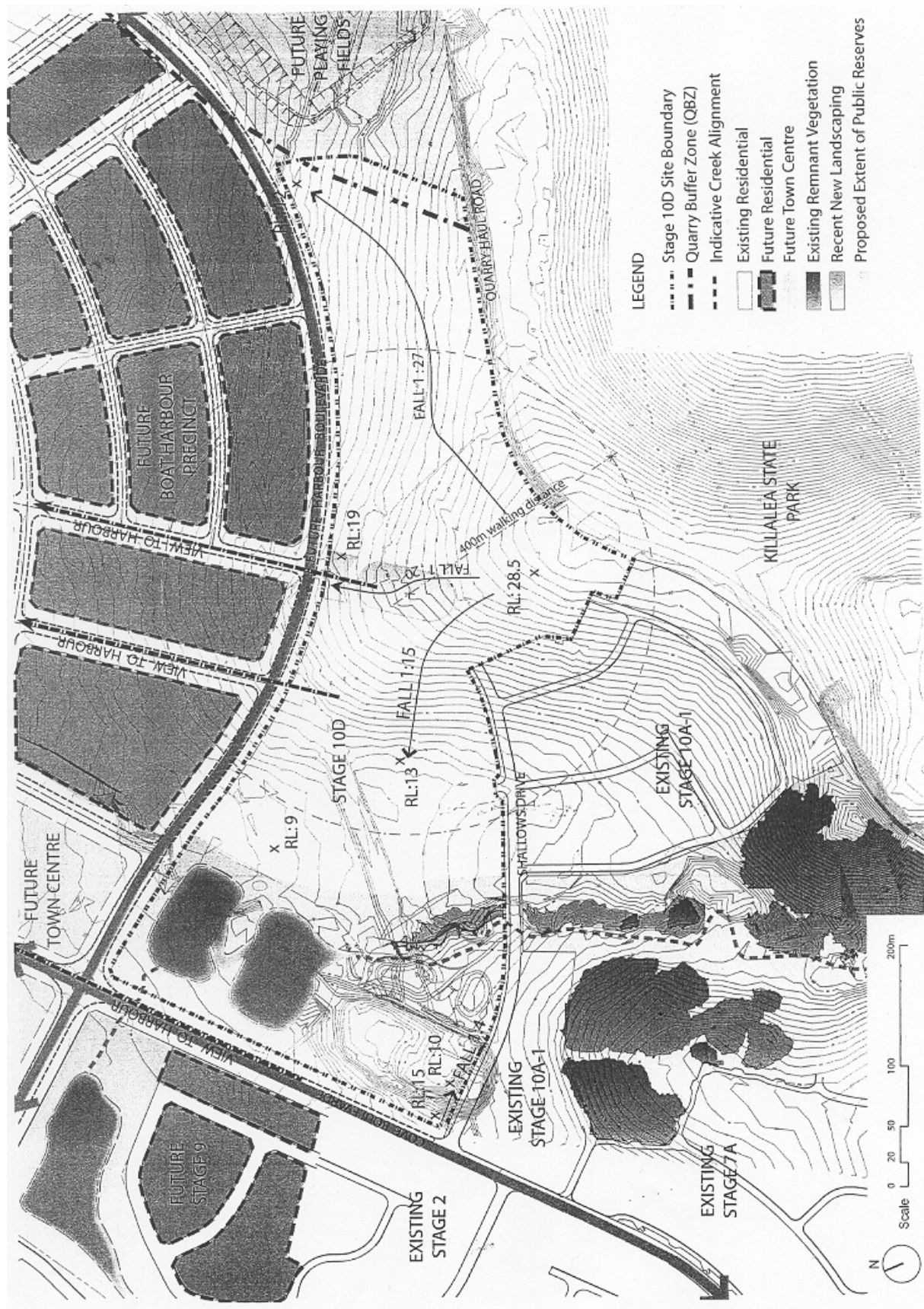
The proposal satisfies the statutory requirements that apply to the site and development type.

The imposition of conditions of consent on the development should ensure that a satisfactory development is established and that adverse impacts are ameliorated.

The proposal is considered acceptable and in this regard conditional approval is recommended for this Integrated development.

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Attachment 2 - Location of Site



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PART A – ADMINISTRATIVE CONDITIONS

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

Before any site works, building, demolition 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.

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/Document	Prepared By	Drawing/Document No./Revision	Drawing Document Date
Subdivision Plan & Concept Stormwater Layout	BMD Consulting	CS-0407-DA03, Rev B	As Stamped DA No. 28/2010
Statement of Environmental Effects & Appendices	LFA (Pacific) Pty Ltd	Report	27/1/2010

A4 Easements

Structures must not encroach onto any easement.

A5 Liaison with Council

A set of Council's endorsed engineering plans and documents must be kept onsite at all times during construction of the development. A copy of the Consent and Permit No. 2534 (issued under the *National Parks and Wildlife Act 1974*) must also be kept on site.

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 Subdivision Development Engineer (or delegate), 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 with 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.

A9 Exceptions (Wetlands)

The wetlands and Reserve No. 3 referred to on plans and associated documentation do not form part of this approval.

A10 Staging of Construction

The subdivision is to be constructed in two stages unless otherwise agreed to by Council in writing. Staging of the works is as follows:

- Stage 1 - lots 1201 to 1235 inclusive and lots 1273 to 1275 inclusive
- Stage 2 - lots 1236 to 1272 inclusive.

Conditions in this consent apply where relevant, to both stages unless otherwise specified.

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

B1 Sydney Water 'Notice of Requirements'

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

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

Application must be made through an authorised water servicing coordinator. Please refer to the '*Building Developing & Plumbing*' section of the web site www.sydneywater.com.au then refer to '*Water Servicing Coordinator*' under '*Developing your Land*' or telephone 13 2092 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

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

B2 Controlled Activity Approval – NSW Office of Water

The applicant must obtain a Controlled Activity Approval under the *Water Management Act 2000* from the NSW Office of Water. The Approval must be obtained prior to Stage 1.

Application forms for a Controlled Activity Approval are available from the Department or the Department's website www.water.nsw.gov.au.

The Controlled Activity Approval must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Construction Certificate.

B3 Landscape Works

Street tree planting and landscaping of public reserves 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 Council 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 public reserves should include one large feature tree.

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

B4 Acoustic Requirements

The recommendations made in the report 'Shell Cove Stage 10D - Environmental Noise Assessment' by Acoustic Logic Consultancy Noise and Vibration Consultants (Appendix H), Acoustic Report, to the Statement of Environmental Effects) must be complied with. Full details indicating how the recommendations are to be complied with are to be submitted with the application for the Subdivision Construction Certificate.

B5 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 Principal 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.

B6 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 specifications provided by Council (contact the Subdivision Development Engineer)) must be provided with the application for the Subdivision Construction Certificate.

B7 Road Standards & Design

All roads and road intersections within the development must have sight distance provided in accordance with AUSTROADS 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 traveling in a forward direction and without leaving the carriageway. Details to 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 'AUSTROADS' 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 AUSTROADS 'A Guide to the Structural Design of Road Pavements', based on test results undertaken by a NATA registered laboratory. The pavement design must be submitted to Council for approval prior to the laying of pavement material.

B8 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.

B9 Road Widths

All roads shall be designed in accordance with the following requirements:

- a. Roads 101, 126, 128 and 130 (north) maintain a carriageway width of 8m, with a verge width of 3.5m.
- b. Roads 102, 106, 122, 123, 125, 127 (south) and 129 maintain a carriageway width of 6m, with a minimum verge width of 3m.
- c. Roads 121 and 124 must maintain a carriageway width of 6m, with a minimum verge width of 1.5m and 3m.
- d. Road 127 (north) must maintain a carriageway width of 8m, with a minimum verge width of 6.5m and 3.5m.
- e. Road 130 (south) must maintain a carriageway width of 8m, with a minimum verge width of 3.5m and 10m.

All final road reserve widths must be approved by Council, prior to the release of the Subdivision Construction Certificate.

B10 Sign & Linemarking Diagram

A sign and linemarking diagram including recommended speed zonings must be submitted for consideration to the Local Traffic Committee prior to the release of the Subdivision Construction Certificate.

B11 Sediment Control & Water Quality Control

(See also Part H of this consent for requirements of the Office of Water).

The developer must submit a 'Soil and Water Management Plan' to the Principal 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 Department of Environment Climate Change and Water.

B12 Drainage Design

A detailed drainage design of the site must be submitted and approved prior to commencement of work. The plan must be generally in accordance with the plan prepared by BMD, CS-0407-DA03, Revision B. 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.

A computer model(s) of the drainage performance, using 'DRAINS' or similar must be provided to Council for approval. The system must be design to perform in accordance with Council's *Subdivision Design Code*.

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

B13 Interallotment Drainage

Interallotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to the street to which the lot fronts.

B14 Drainage Design – Critical Flood Event

Stormwater drainage and inter-allotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1 in 5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years must be over public land.

B15 Stormwater Pollution Control Facilities

The developer must install litter interception measures at the stormwater outlets from the site. All costs associated with the installation of the litter interception measures must be borne by the developer. The proposed litter interception measures must have all of the following characteristics:

- a. Treat not less than 95% of the catchment for the design stormwater discharge, which represents 25% of the 1 in 1 year ARI discharge.
- b. Capture 100% of the particulate matter and litter in the stormwater discharge larger than 2mm for the design discharge.
- c. Not permit trapped matter to be washed out or re-suspended during stormwater discharges greater than the design discharge.

- d. Be easily accessed, maintained and cleaned using plant and equipment commonly in use by Shellharbour City Council.

B16 Site Management Plan

Prior to the issue of the Subdivision Construction Certificate, the applicant must submit to and obtain approval for a construction and site management plan, from the Principal Certifying Authority and Council, 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
- 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
- f. Access to the site during the subdivision construction phase by all heavy vehicles should not be via existing residential areas where an alternative route exists. An agreed route should be negotiated prior to works commencing
- g. How dust is to be controlled and managed. The applicant must prepare a Dust Management Plan (DMP). The DMP must include, but not be limited to strategies in which the construction must:
 - minimise or prevent the emission of dust from the site
 - ensure that all trafficable area and vehicle manoeuvring areas in or on the premises be maintained, at times, in a condition that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust
 - ensure that all vehicles entering and leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles must be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, and
 - ensure that all dust source surfaces are sealed.

B17 Waste Management Plan (WMP)

A WMP for the management of all waste streams generated by the development must be prepared and submitted with the Subdivision Construction Certificate for approval.

Material excavated and not re-used on site must be taken to an approved land fill site. Excavated material may only be taken to an alternative site with prior written approval of Council.

Council will require evidence of all material being brought into the site as being sound from approved earthworks sources and that all material is disposed of as detailed in the WMP.

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 \$10M 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 A6.

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:

- 7.00am to 5.00pm Mondays to Fridays
- 8.00am to 1.00pm Saturdays

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

D3 Waste Management

The management of waste must comply with the approved WMP. Any variations to the WMP must have prior written approval of Council.

D4 Imported 'Waste Derived' Fill Material

The only waste derived 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.

D5 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.

D6 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.

D7 Road Construction

Insitu 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.

D8 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'.

D9 Lots & Site Filling

All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.

D10 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.

D11 Allotments Construction Level

All developable allotments must be constructed at or above the 1 in 100 year flood level plus 500mm freeboard. All allotments within 500mm of the 1 in 100 year level must have a restriction as to user placed on the 88B Instrument specifying a minimum floor level of 500mm above the 1 in 100 year flood level for residential, commercial, industrial and retail lots. All levels must be related to Australian Height Datum.

D12 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.

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. The electronic copy must be in ISG coordinates and must be submitted in DXF, DWG or DGX format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan
- c. fees in accordance with Council's *Fees and Charges* must be paid at the time of submission of the application.

F2 Sydney Water Section 73 Certificate

A Section 73 compliance certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

F3 Verification of Waste Management

Documentation, such as receipts/photos, verifying that all waste streams were managed in accordance with the WMP must be provided to the Certifying Authority prior to the issue of a Subdivision Certificate.

F4 Section 94 Contributions

A contribution of \$554,954.93 must be paid to Council towards the provision of community facilities and services.

The contributions may be paid in stages with the payment being based on the number of lots per stage in accordance with Council's Plan as detailed below. Payment for each stage must be made before 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 Services Counter at Council's offices, or downloaded from 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.

F5 Street/Public Reserve Names

Proposed street names for all new roads and/or public reserve names 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/reserve layout with proposed names and road numbers if applicable
- c. fees in accordance with Council's *Fees and Charges*.

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

F6 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.

F7 Geotechnical Report

A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:

- a. the classification of the proposed lot in accordance with the Australian Standard 2870-Residential Slabs and Footings or subsequent amendments,
- b. the classification of the lot in relation to risk of slope instability, and
- c. the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

F8 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, Sydney Water and Integral Energy.

F9 Acoustic Requirements and 88B Instrument

So to ensure prospective purchasers are aware that the Quarry Haul Road is a noise source and ensure a suitable level of amenity for residents of dwellings, restrictions are to be emplaced on title via s88B Instrument pursuant to the provisions of the *Conveyancing Act 1919*.

These restrictions are to be based on information and recommendations contained in the Report 'Shell Cove 10D - Environmental Noise Assessment', by Acoustic Logic Consultancy Noise and Vibration Consultants (Appendix H, Acoustic Report, to the Statement of Environmental Effects).

F10 Padmount Substations

Where a padmount substation/s is incorporated into an allotment, a restricted building zone must be created in accordance with Integral Energy's requirements. 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 Integral Energy.

F11 Utilities – Electricity, Gas & Telephone

- a. Electricity must be provided to all proposed lots. In this regard, the developer must submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.
- b. Telephone services must be provided to all proposed lots. In this regard, the developer must submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.
- c. The developer must submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.

F12 Works As Executed – Subdivision

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.

F13 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 Subdivision Certificate.

F14 Subdivision – Completion of Landscape Works

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

F15 Dedication to Council

All intended reserves (numbered 1 and 2), roads, pathways and drainage easements must be dedicated to Council.

F16 Release of Certificate

The Subdivision Certificate must 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 Maintenance of Road & 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 the final plan of subdivision.

G2 Future Development

No consent is given or implied for any future development on the subject land.

G3 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.

G4 Public Reserve Dedication

All areas to be dedicated as public reserve must be cleared of both environmental weeds and noxious weeds prior to dedication. The reserves must be landscaped/completed in accordance with Council's requirements for the types/category of reserve.

PART H - INTEGRATED DEVELOPMENT (APPROVALS FROM OTHER AGENCIES)

OFFICE OF WATER

H1 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. 28/2010 and provided by Council:
 - i. Site plan, map and/or surveys
 - ii. Concept Landscape Plan.

Any amendments or modifications to the proposed controlled activities may render these GTA's 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's 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* from the NSW Office of Water. Waterfront land for the purposes of this development application is land and material in or within 40m of the top of the bank or shore of the river identified.
- c. The consent holder must prepare or commission the preparation of:
 - i. Soil and Water Management Plan.
- d. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml.
 - i. Vegetation Management Plans
 - ii. Laying pipes and cables in watercourses
 - iii. Riparian Corridors
 - iv. In-stream works
 - v. Outlet structures
 - vi. Watercourse crossings.
- 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.

H2 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.

H3 Drainage and Stormwater

The consent holder must ensure all drainage works:

- i. capture and convey runoffs, discharges and flood flow to low flow water level in accordance with a plan approved by the NSW Office of Water, and
- ii. do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

H4 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.

H5 Excavation

- a. 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.
- b. The consent holder must ensure that any excavation does not result in:
 - i. diversion of any river
 - ii. bed or bank instability, or
 - iii. damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

NSW RURAL FIRE SERVICE

(Refer also to Advisory Notes in this consent).

H6 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- a. This approval is subject to the provision of a 10m asset protection zone for proposed Lots 1201 and 1221 to the north, which shall be managed as an inner protection area as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- b. A Fire Management Plan must be prepared for the proposed residual lots and public reserves that address the following requirements:
 - i. contact person/department and details, and
 - ii. schedule and description of works for the construction of asset protection zones and their continued maintenance.

H7 Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Water, electricity and gas must comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.

H8 Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

Public road access must comply with Section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.

H9 Landscaping

Landscaping to the site must comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.