

# SHELLHARBOUR CITY COUNCIL

## Joint Regional Planning Panel (Southern Region)

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<b>JRPP No.</b>	2011STH003
<b>DA No.</b>	DA 12/2011
<b>Proposal</b>	Subdivision of Land - 40 Residential Lots, 5 Residue Lots and Public Roads including Extension of Cove Boulevarde (to meet proposed Harbour Boulevarde) and Component of Harbour Boulevarde (between Brigantine Drive and Shallows Drive)
<b>Property</b>	Lot 206, DP 857030 and Lots 8250 and 8251, DP 1153225, Boolwarroo Parade and Shallows Drive, Shell Cove
<b>Applicant</b>	Australand Corporation (NSW) Pty Ltd
<b>LGA</b>	Shellharbour Local Government Area

### 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 4 (b) of Schedule 4A of the *Environmental Planning & Assessment Act 1979* 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 40 residential lots, 5 residue lots and public roads including the extension of Cove Boulevarde to meet the proposed Harbour Boulevarde and a component of Harbour Boulevarde between Brigantine and Shallows Drives.

#### 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 clause 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*. No submissions were received.

### RECOMMENDATION

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It is recommended that DA No. 12/2011 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. 12/2011) for a residential subdivision, known as Stage 9, is located adjacent to the proposed boat harbour precinct.

Stage 9 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 71 residential lots and 4 super lots, considered by the Joint Regional Planning Panel (JRPP) on 3 February 2011 with Development Consent for that subdivision issuing on 3 February 2011.

## **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 9 comprises approximately 5.9 ha of land (excluding the residue lots) in the east of the Shell Cove Estate. The land includes Lots 8250 and 8251 in DP 1153225 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 in part and in part a golf course. The golf course has been closed and replaced with a new course in the west of the Shell Cove estate. The land slopes towards the east.

## **The Proposal**

The proposal is to construct 40 new residential lots and 5 residue lots together with the extension of Cove Boulevard and a component of Harbour Boulevard. Of the 5 residue lots, two lots form part of the boat harbour precinct, one lot is designated as future Stage 10C, one lot is south of the Quarry Haul Road and will not be developed and the remaining lot will be a future public reserve. The residue lots will be the subject of separate and subsequent development applications.

Attachment 3 is a plan of the proposed subdivision.

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

- Cultural heritage assessment

- traffic and transport
- noise
- flooding
- bushfire

A Phase 1 Contamination Assessment Report was subsequently submitted following a preliminary assessment of the application.

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.

<b>Section 79C(1) of the <i>Environmental Planning &amp; Assessment Act 1979</i></b>	
(a)(i) any environmental planning instrument	
<u>State Environmental Planning Policies</u>	
<ul style="list-style-type: none"> <li>• SEPP 71 - Coastal Protection</li> <li>• SEPP 55 - Remediation of Land</li> </ul>	
<u>Regional Environmental Planning Policies</u>	
<ul style="list-style-type: none"> <li>• Illawarra Regional Environmental Plan No. 1 1986 - (Deemed SEPP 1 July 2009)</li> </ul>	
<u>Local Environmental Planning Policies</u>	
<ul style="list-style-type: none"> <li>• Shellharbour Local Environmental Plan 2000</li> </ul>	
(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"> <li>• Draft Shellharbour Local Environmental Plan 2011</li> </ul>	
(a)(iii) any development control plan	
<ul style="list-style-type: none"> <li>• Residential Subdivision Development Control Plan</li> <li>• Notifications Policy Development Control Plan</li> <li>• Flood Plain Risk Management Development Control Plan</li> <li>• Waste Minimisation and Management Development Control Plan (Amendment No. 1)</li> </ul>	
(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"> <li>• None applicable</li> </ul>	
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	
<ul style="list-style-type: none"> <li>• NSW Coastal Policy 1997 applies</li> </ul>	

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

### **(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 traffic volumes 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'. Parts of the new 'Harbour Boulevard' have been or are the subject of separate applications 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 9 has been previously cleared and used for grazing purposes and more recently a golf course. Accordingly, the development of the subdivision is unlikely to impact on any threatened species, populations or ecological communities.

#### Waste

- The application has detailed 'waste' likely to be generated and submitted a Site Waste Minimisation and Management Plan. The Plan notes that the subdivision will include earthworks and waste associated with the development will be superfluous earth, concrete and green waste. A condition of consent is required to require compliance with this Plan.

#### 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 Cove Boulevard can be mitigated by the extension of acoustic fencing (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 in the vicinity of the developable land. 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*. No submissions were received.

### **(e) the public interest**

- In the absence of submissions and balanced against the wider community, social and economic benefits, the proposal is considered to be in the public interest.

## **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 elsewhere in the estate 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.

### **State Environmental Planning Policy No. 55 - Remediation of Land**

The object of this Policy is:

1. To provide for a Statewide planning approach to the remediation of contaminated land.
2. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
  - (b) specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out remediation work in particular, and
  - (c) by requiring that a remediation work meet certain standards and notification requirements.

At Clause 7 of the Policy:

1. A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The application was accompanied by a 'Report on Phase 1 Contamination Assessment' for Proposed Subdivision and Wetlands 3 and 5 Stage 9 Shell Cove Estate, Shell Cove prepared by Douglas Partners.

The Report concluded in respect to Stage 9 that:

*Based on the results of the assessment, it is considered that the site has low potential for contamination, however four AEC (Area of Environmental Concern) were identified in the proposed Harbour Boulevard extension area and the proposed wetland footprints (the wetland areas are the subject of separate development applications) which need further investigation. It is recommended that a Targeted Phase 2 Contamination Assessment be undertaken in these areas.*

*It is considered that the Stage 9 residential footprint and the remainder of the site has low potential for contamination. If filling or farm waste dumps are encountered however during earthworks in these areas, further assessment and sampling should be undertaken. Subject to further assessment as outlined above and, if required, remediation, it is considered that the site can be made suitable for the proposed land use from a contamination perspective.*

The Report has been reviewed by Council's Environment Officer and recommends that a Phase 2 Contamination Assessment be carried out for the proposed Harbour Boulevard prior to works commencing on that part of the overall proposal.

Conditions of consent are recommended to address the findings/conclusions of the Report.

### **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.

Some of the proposed lots abut Cove Boulevard extension. The development proposes to extend the existing 1.8m high fence in Cove Boulevard along the rear boundary of Lots 929 to 940 together with restrictions on title requiring specific façade treatments to ameliorate traffic noise impacts. The fence extension will be constructed from treated pine plywood sheeting having inherent acoustic properties.

The proposed treatments follow on from recommendations contained in Acoustic Advice prepared by Acoustic Logic Consultancy Pty Ltd.

### **Draft Shellharbour Local Environmental Plan 2011**

The site is proposed to be zoned R2 Low Density Residential.

#### ***Objectives of the zone***

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed subdivision will not be inconsistent with the objectives of the proposed zone.

### **Residential Subdivision Development Control Plan (DCP)**

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

- To ensure that an emphasis on designing with the environment is achieved.*
- 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.*
- To ensure the logical and economic phasing of development.*
- To ensure that land capability, residential amenity and economic and social desirability issues are addressed.*
- To ensure that each proposed allotment can accommodate all the functions associated with a dwelling.*
- To encourage the opportunity for a variety of lot sizes, housing styles and forms in appropriate locations for the full range of consumer demand.*
- To promote energy efficient subdivision design and thereby maximise opportunities for solar access and energy efficient housing.*
- 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 14 dwellings per hectare.
- The proposal includes 40 standard lots which range from 390m<sup>2</sup> to 817m<sup>2</sup> with an average of 553m<sup>2</sup>. Six lots are less than the development standard of 450m<sup>2</sup> ranging in size from 390m<sup>2</sup> to 447.6m<sup>2</sup>. The applicant has requested a variation to the development standard and provided the following justification:



- (a) *a range of lot sizes including lots less than 450m<sup>2</sup> in area is critical to provide for a diversity of housing forms, density and lifestyle choices.*
  - (b) *The inclusion of smaller lots will provide for a greater demographic mix within the Shell Cove community. This is critical for the establishment of sustainable and diverse communities. Presently, Shell Cove predominantly caters for a mono-demographic of young to mature families at Shell Cove. The incorporation of smaller lots will attract younger first home buyers and downsizing retirees.*
  - (c) *The smaller lots will provide more affordable housing options within Shell Cove.*
  - (d) *Lots less than 450m<sup>2</sup> have been successfully developed in new housing developments across Australia for at least the past 3 decades without impact. Locally, Shell Cove has developed and sold these smaller sized lots in Stage 8.*
  - (e) *Smaller lots are proposed with a minimum lot frontage of 13m. This width will support many standard builder products.*
  - (f) *The lots are planned to be integrated as part of the subdivision mix and will accordingly meld with the streetscape without appearing significantly different to the balance of housing throughout Shell Cove.*
  - (g) *This lot configuration is consistent with the prior consent of Stage 8B at Shell Cove (DA 251/2009) which adopts a similar range of product varying from 390m<sup>2</sup> in size.*
- 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 noting that dwellings must comply with BASIX legislation.

These are acceptable design solutions and the variation sought is supported.

The DCP also has requirements to address:

- Transport networks - the road layout and design observes the established road hierarchy. A bus route is presently located along the existing Brindabella Drive and Cove Boulevard and is located within 400m of the proposed Stage 9 residential lots.
- Street design and construction - Council's engineers are satisfied with the design and proposed road widths having regard to the traffic loading anticipated.
- Pedestrian and cyclist facilities - pedestrian paths and cycle networks will connect to previous stages. Page 25 of the Statement of Environmental Effects by Australand Corporation (NSW) Pty Ltd states that footpaths will be provided along Cove Boulevard to link to the future Harbour Boulevard and proposed Town Centre from the existing termination of the existing footpaths on Cove Boulevard.

A cycleway is also proposed along the western footpath reserve of proposed Harbour Boulevard providing connection to other sections of cycleway on Harbour Boulevard and to Wattle Road and Bass Point.

- Utilities - all urban services will be made available and be required to comply with relevant standards (eg electricity, street lighting, sewerage and the like).
- 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.
- Section 94 requirements - Council's section 94 accountant has calculated contributions for the development and determined that \$308,597.60 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 as Passive Open Space requirements have previously been met.

## **Consultation**

### **Internal (Council)**

#### **Senior Subdivision Development Engineer**

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 pavement design
- soil sediment and water management
- sediment pond design, and
- site management.

The site is flood affected and the application was supported by a flood study prepared by Cardno Lawson Treloar. This report indicated minor flood affectation on and adjacent the pre-developed site.

The document satisfactorily addresses the issue of flood management and will ensure the estate is designed appropriately with lots constructed to the appropriate levels to comply with the year 2100 sea level rise considerations for coastal flooding included in the August 2010 Planning Guideline: Adapting to Sea Level Rise 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 \$308,597.60 is payable for the residential lots for the provision of community services and facilities.

#### **Aboriginal Community Liaison Officer (ACLO)**

No Aboriginal site or place, and no cultural heritage of State significance in terms of the *Heritage Act 1977*, is known to occur within the proposed Stage 9 residential development or the proposed extension of Cove Boulevard. In respect of the southern leg of proposed Harbour Boulevard, a stone artefact scatter (AHIMS 52-5-437), located immediately east of the road corridor, will be impacted by the construction of the road.

In the Background section of the Consent and Permit to Collect (No. 2534), 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 this site that details the salvage measures that must be carried out prior to impact of this scatter.

Council's ACLO recommends that conditions be imposed requiring compliance with the terms of the Consent and Permit to Collect (No. 2534), that persons involved in the construction of the subdivision are suitably informed about the terms and conditions of the Consent and Permit to Collect and that a meeting be held with Council's ACLO be held prior to works commencing.

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

## **External**

### **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 its General Terms of Approval via letter dated 28 February 2011. The conditions of that approval are included in the attached recommended conditions of consent. (Refer to Part H in Attachment 4)

### **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 its Bushfire Safety Authority subject to several conditions via letter dated 24 February 2011. These are included in Part H of the consent conditions attached to this report. (Refer to Part H in Attachment 4)

### **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*. No submissions were received.

## **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 recreational uses 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

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**

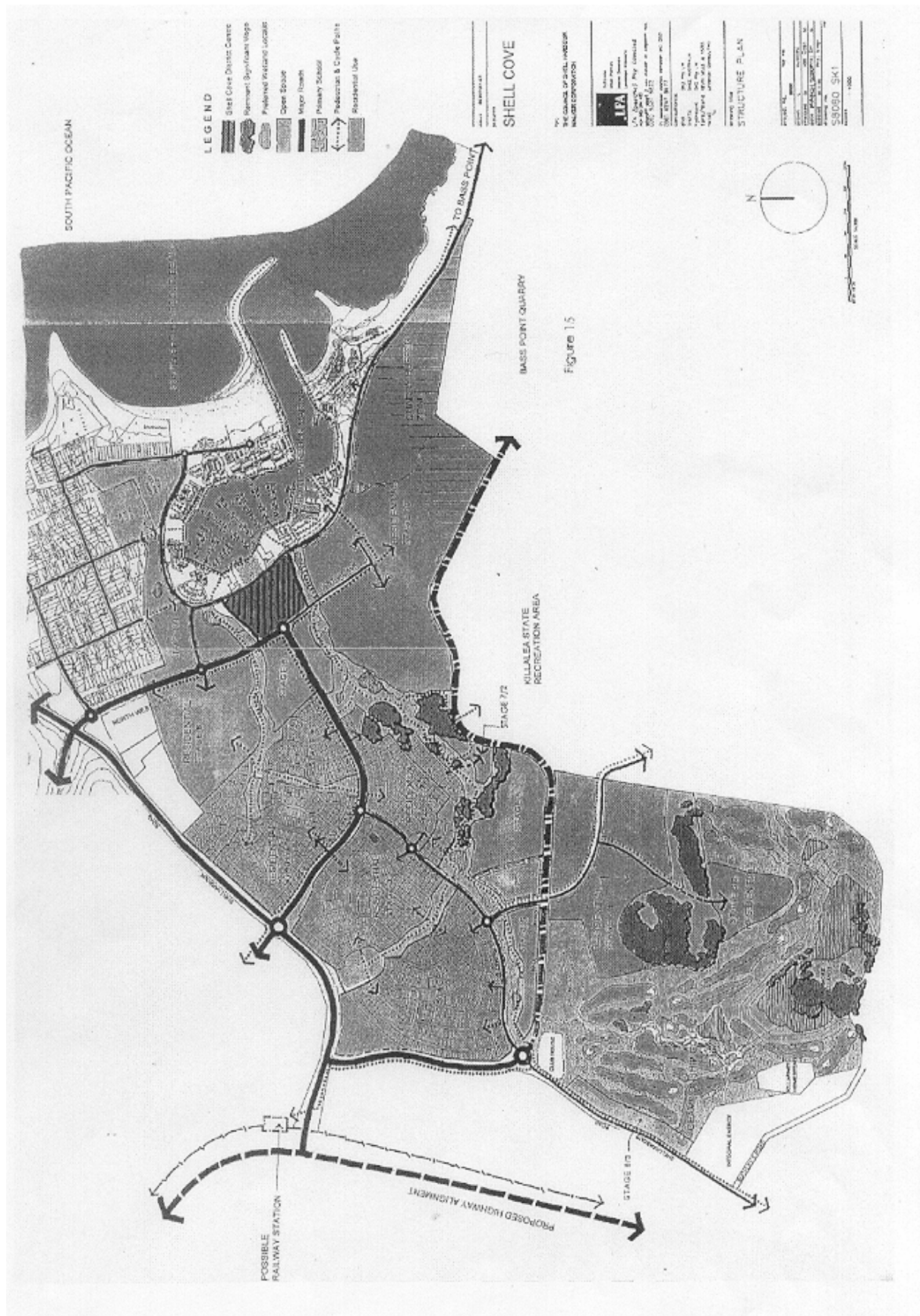
The proposal is consistent with the masterplan for the estate which shows residential development for the site.

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

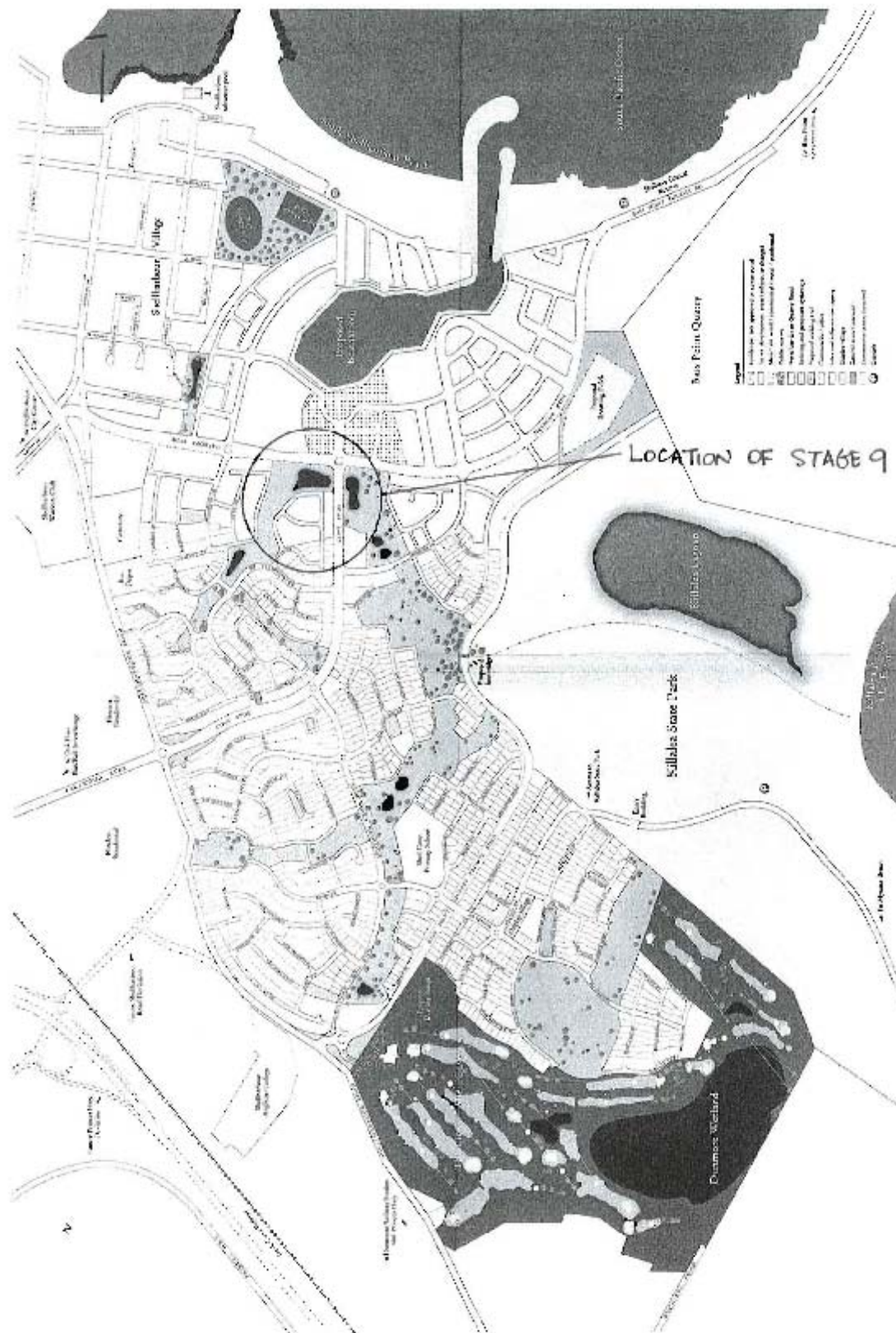
The imposition of conditions of consent on the development should ensure that a satisfactory development is established and that adverse impacts are ameliorated.

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

# Attachment 1 - Structure Plan

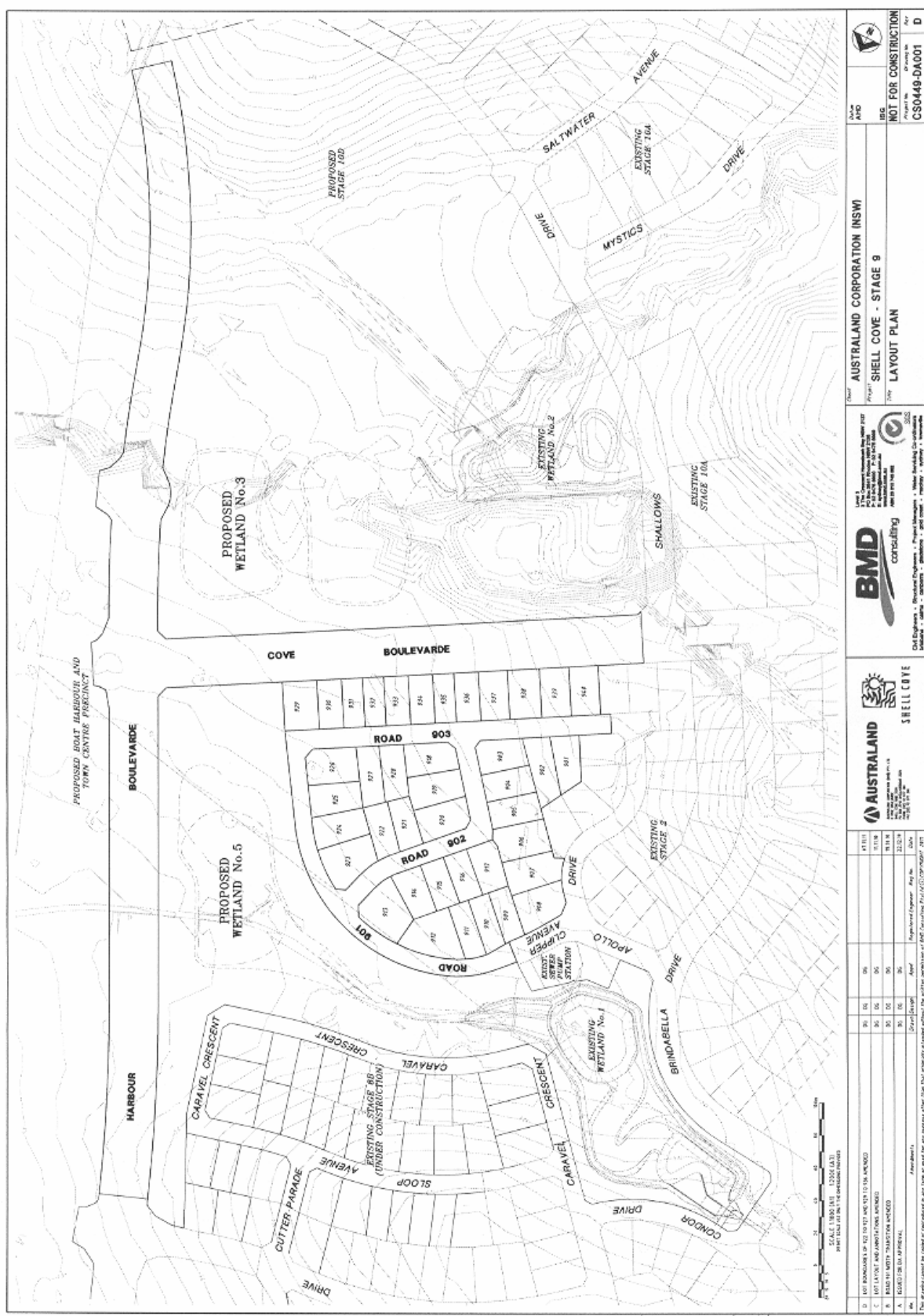


## Attachment 2 - Location of Site





### Attachment 3 - Proposed Subdivision Layout



## Attachment 4 - Recommended Conditions or Consent

### PART A - ADMINISTRATIVE CONDITIONS

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

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

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

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

#### A2 Prescribed Conditions

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

#### A3 Development in Accordance with Plans

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

Name of Plan	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Subdivision Layout Plan	BMD Consulting	CS0449 - DA001 Rev D	7/11/2011
Subdivision Lot Dimensional Plan	BMD Consulting	CS0449 - DA002 Rev E	7/11/2011
Waste Management Plan	Australand Corporation (NSW) Pty Ltd	Un - numbered	22/12/2010
Phase 1 Contamination Assessment	Douglas Partners	Project 40999.38	June 2011
Concept Drainage Plan	BMD Consulting	CS0449 - DA003 Rev D	7/11/2011
Statement of Environmental Effects and Appendices	Australand Corporation (NSW) Pty Ltd	Shell Cove Stage 9	December 2010
Bushfire Protection Assessment	Ecological Australia	Project 11SGBBUS - 0002	January 2011

#### A4 Compliance with Notations on Drawings

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

#### A5 Easements

Structures must not encroach onto any easement.



## **A6 Consent & Permit 2534**

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

## **A7 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 A8.

## **A8 Meeting with Council**

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

## **A9 Other Council Approvals**

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

## **A10 Staging of Construction**

The work under this development consent is to be constructed in 3 stages unless otherwise agreed to in writing by Council. Staging of the works is as follows:

- Stage 1 - construction of 40 lot subdivision including lots 901 to 940 inclusive
- Stage 2 - construction of Cove Boulevard Extension to extremity of lot 929
- Stage 3 - construction of Harbour Boulevard Extension and remaining portion of Cove Boulevard.

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

### **B1 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.

Application Forms for a Controlled Activity Approval are available from the Department or the Department's web site [www.water.nsw.gov.au](http://www.water.nsw.gov.au).

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

### **B2 Landscape Works**

Street tree planting and other landscaping must be undertaken by the developer to Council's satisfaction and at the developer's cost. In this regard, two copies of a landscape plan prepared by a Landscape Architect must be submitted to and approved by the Certifying Authority prior to the issue of the Subdivision Construction Certificate. The time schedule for street tree planting must be detailed on the landscape plan. The landscape plan must be

prepared in accordance with Council's *Landscape Guidelines Development Control Plan*, available from Council's Customer Service or can be downloaded from Council's website.

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

### **B3 Acoustic Requirements**

The recommendations made in the report 'Stage 9 Shell Cove - Acoustic Advice' by Acoustic Logic Consultancy Pty Ltd (Appendix 12 - Acoustic Impacts, to the Statement of Environmental Effects) must be complied with. Full details of measures to be implemented are to be submitted with the application for the Subdivision Construction Certificate.

### **B4 Road & Drainage Plans**

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

### **B5 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.

### **B6 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 sight 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.

### **B7 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.

## **B8 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.

## **B9 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 Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. The Soil and Water Management Plan must be prepared in accordance with the 'Blue Book' and include:

- a. a programme for the progressive stabilisation of the site
- b. A programme for the treatment/flocculation of sediment ponds including time frames and proposed chemical dosage, and
- c. specific measures to control dust generated as a result of construction activities on site.

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

Runoff from the subdivision must be drained through water pollution control facilities so that the quality of the water discharging into the receiving waters downstream of the facility meets the requirements of relevant State Agencies namely the NSW Office of Environment and Heritage.

## **B10 Road Layout & Grade**

The grading and layout of all roads and lots must be such as to ensure the absence of trapped low points and to ensure that overland flow is passed safely over public land. Compliance with the above criteria must be reflected on the Subdivision Construction Certificate plans.

## **B11 Drainage Design**

A detailed drainage design of the site must be submitted and approved prior to the release of the Subdivision Construction Certificate. The plan must be generally in accordance with the plan prepared by BMD Consulting, CS0449 - DA003, Revision D. The plan must indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

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

## **B12 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.

## **B13 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.

#### **B14 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.

#### **B15 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 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.

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

### **C1 Public Liability**

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

**See also Part A of this consent, in particular Condition A8.**

### **C2 Contamination Assessment - Harbour Boulevard**

Prior to works commencing in respect of Harbour Boulevard, a Targeted Phase 2 Contamination Assessment must be carried out for the proposed Harbour Boulevard extension as set out in the Recommendations contained in the Phase 1 Contamination Assessment Report prepared by Douglas Partners - Project 40999.38 dated June 2011.

The completion of such an assessment will characterise the nature and extent of any site contamination and provide necessary remedial requirements.

The report must be submitted to Council for review and information.

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

### **D1 Site Documentation**

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

### **D2 Hours of Work**

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

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

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

### **D3 Maintenance of Erosion & Runoff Controls**

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

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

#### **D4 Waste Management**

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

#### **D5 Imported Fill Material**

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

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

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

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

#### **D6 Contamination Assessment - Residential Precinct**

In the event filling or farm waste dumps are encountered during earthworks for the residential component of the development, further sampling and assessment must be undertaken and any remedial works recommended must be carried out.

Copies of any reports prepared must be submitted to Council for review and information.

#### **D7 Tree Removal**

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

#### **D8 Service Conduits**

Service conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.

#### **D9 Road Construction**

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.

## **D10 Installation of Stormwater Pipes**

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS 3725 and the Concrete Pipe Association of Australia publication 'Concrete Pipe Selection and Installation'.

## **D11 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.

## **D12 Geotechnical Testing**

Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill must be performed at the rate of one test per 50m of pipeline with not less than two tests in any section of pipe exceeding 25m in length.

## **D13 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.

## **D14 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. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.

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

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

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

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

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 Development* section of the website [www.sydneywater.com.au](http://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.

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

## **F3 Utilities - Electricity, Gas & Telephone**

- a. Electricity must be provided to all proposed lots. The developer must submit written advice to the Principal Certifying Authority from the relevant electricity provider 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 a Telstra Australia accredited contractor 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 a natural gas accredited contractor 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.

## **F4 Section 94 Contributions**

A contribution of \$308,597.60 must 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.



## **F5 Verification of Waste Management**

Written documentation, such as receipts, verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

## **F6 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 & Charges*.

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

## **F7 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.

## **F8 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.

## **F9 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 electricity provider.

## **F10 Padmount Substations**

If padmount substations are required and are to be incorporated into an allotment, a restricted building zone must be created in accordance with relevant electricity provider 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 electricity provider.

## **F11 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.

## **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 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.

## **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 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.

## **F17 Subdivision Fees**

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

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

### **G1 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. Any future development, not part of this consent, requires separate development approval.

### **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.

## **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. 12/2011 and provided by Council:

- i. Site plan, map and/or surveys
- ii. Flood Study
- iii. Statement of Environmental Effects
- iv. Concept Drainage 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 DA 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. Construction plans
  - ii. 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'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. 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 Drainage and 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 the flow of water 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.

## **H3 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.

## **NSW RURAL FIRE SERVICE**

(Refer also to Advisory Notes in this consent).

## **H4 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 are to comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.

## **H5 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 shall comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.

## ***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.