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

RECEIVED
12 DEC 2011
BY: _____

Attention: Mr Glen Colquhoun

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

Being the applicant of Development Application No. 12/2011 for consent to the following development:

**TORRENS TITLE SUBDIVISION (STAGE 9 SHELL COVE) COMPRISING OF
40 RESIDENTIAL LOTS, FIVE RESIDUE LOTS AND PUBLIC ROADS,
INCLUDING EXTENSION OF COVE BOULEVARDE (TO MEET PROPOSED
HARBOUR BOULEVARDE) AND COMPONENT OF HARBOUR BOULEVARDE
(BETWEEN BIRGANTINE DRIVE AND SHALLOWS DRIVE)**

**LOT 206, DP 857030 AND LOTS 8250 & 8251, DP 1153225,
BOOLLWARROO PARADE & SHALLOWS DRIVE, SHELL COVE**

Determination date of consent..... - 2 DEC 2011.....

In accordance with Section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT A JOINT REGIONAL PLANNING PANEL MEETING HELD ON FRIDAY 2 DECEMBER 2011 (JRPP No. 2011STH003) SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

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:

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

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

ENGLISH
If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

MACEDONIAN
Ако имате тедшкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

SPANISH
Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

GERMAN
Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen estsprechenden Dolmetscher hinzurufen.

ITALIAN
Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

GREEK
Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ. 4221 6111), ή αν επιθυμείτε ελάτε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

CROATIAN
Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

PORTUGUESE
Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

SERBIAN
Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако жепите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

TURKISH
Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

POLISH
Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

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 11 SGBBUS - 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.

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 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

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:

Development Application No. 12/2011

Lot 206, DP 857030 & Lots 8250 & 8251, DP 1153225, Boolwarroo Parade & Shallows Drive, Shell Cove

- 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.
 - 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.

Advisory Notes – Project Specific
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ANP1 Sydney Water – Contribution

Sydney Water (Illawarra Branch) may require a contribution towards new water and sewerage services or amplification of the existing system for the development, the subject of this consent.

ANP2 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.

Development Application No. 12/2011

Lot 206, DP 857030 & Lots 8250 & 8251, DP 1153225, Boolwarroo Parade & Shallows Drive, Shell Cove

Advisory Notes – General

AN1 Erection of Signs

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

A maximum penalty of 10 penalty units (\$1,100) applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

AN2 WorkCover Authority

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

AN3 Obstacle Height Limitation – Airport

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

AN4 Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice of \$600 being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non compliance

AN5 Lapsing of Development Consent

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

AN6 Right to Appeal

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

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

AN7 Review of Determination

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

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

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Section 116E in respect of an application made by the Crown.

AN8 To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under Section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation **unless and until** the **written** authorisation of Council is received by way of an amended consent.

Development Application No. 12/2011
Lot 206, DP 857030 & Lots 8250 & 8251, DP 1153225, Boolwarroo Parade & Shallows Drive, Shell Cove

AN9 Prescribed Payment System Tax Obligations

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

AN10 Development within Vicinity of a High Pressure Gas Main

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

Jemena Asset Management Pty Ltd
Attention: Land Services Department
PO Box 6507
SILVERWATER NSW 2128

AN11 General Advice - Rural Fire Service

This approval is for the subdivision of the land only. Any further development application for Class 1, 2 & 3 buildings, as identified by the *Building Code of Australia* must be subject to separate application under Section 79BA of the *Environmental Planning & Assessment Act 1979* and address the requirements of 'Planning for Bushfire Protection 2006'.



Grant Meredith
Manager Development & Regulation Services

On behalf of Michael Willis, General Manager

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

Attention: Mr Jeremy Morice
Your Ref: 10 ERM2011/0053

CC: NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Attention: Nika Fomin
Your Ref: D11/0086

CC: Panel Secretariat
Joint Regional Planning Panels
GPO Box 3415
SYDNEY NSW 2001

