

JOINT REGIONAL PLANNING PANEL
(Southern Region)

SUPPLEMENTARY REPORT

JRPP No	2015STH027
DA Number	647/2015
Local Government Area	Shellharbour
Proposed Development	Staged residential subdivision comprising of 146 residential lots, 6 super-lots, 1 public reserve and 2 residue lots
Location	Lots 1, 2 & 3 DP 1214606, Braemar Street Tullimbar
Recommendation	That DA No. 647/2015 (JRPP Ref no. 2015STH027) be approved subject to the draft amended conditions contained in Attachment 1.
Report by	Anthony Randall, Team Leader Planning
Report endorsed	Grant Meredith, Group Manager City Development

Application 2015STH027 was reported to the Joint Regional Planning Panel (JRPP) on 26 July 2016.

The matter was deferred by the JRPP requesting that a supplementary report be prepared and provided that addresses the following matters:

1. Provide a comparison of the proposed DA647/2015 with the subdivision outcome approved in Development Consent No. 741/2002 as modified.
2. Identify the conditions of the Development Consent No. 741/2002 that would require to be changed as a result of the proposed DA647/2015, and include conditions within the recommendation accordingly.
3. Provide an assessment of whether the proposed development is an equal or better outcome from that which was approved in Development Consent No. 741/2002, and if not, the reason for departures, and how they relate to current policy position.

These matters are addressed as follows:

1. Comparative Analysis

The Development Consent No. 741/2002 Conditions of Consent Comparison Table at Appendix 2 provides a factual comparison between the conditions imposed on the original approval Development Consent No. 741/2002 and the current proposal. The table identifies which draft conditions of consent for Development Consent No. 741/2002 are replicated in DA647/2015 to address specific matters to be dealt with and which conditions are in contention between the two applications.

A comparative analysis of the following aspects of the approved and proposed subdivision developments has been undertaken:

- a. Subdivision Layout
- b. Transition
- c. Development Yield
- d. Boundary Treatments
- e. Digby Creek Gully
- f. Cycleway Network

These matters are addressed as follows:

a. Subdivision Layout

Development Consent No. 741/2002 Subdivision Layout

The existing consent (Development Consent No. 741/2002) is dated 17 September 2002 and was approved by the Land and Environment Court to deliver a new urban release area in the western valley of Albion Park proposing 841 lots as shown on the staging plan below:

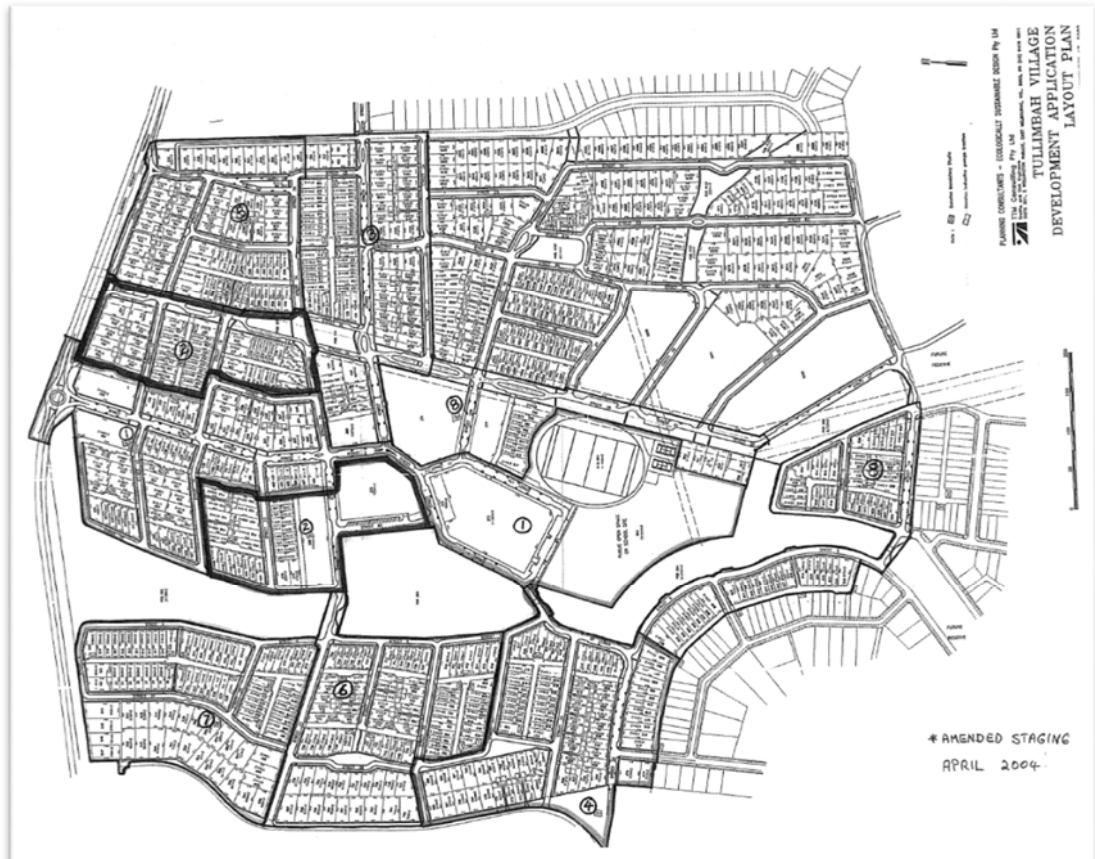


Figure 1: Approved Development Consent No. 741/2002 Subdivision Plan

The layout approved under Development Consent No. 741/2002, has approximately 160 residential lots in the DA647/2015 footprint area (yellow outline) as shown below:

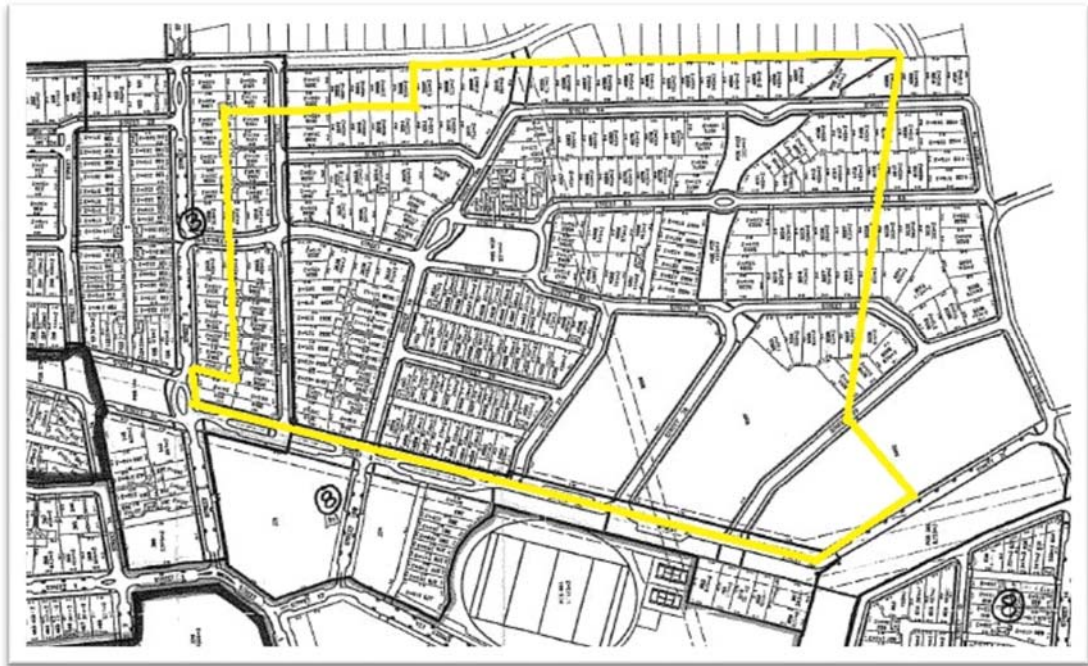


Figure 2: Approved Development Consent No. 741/2002 Subdivision Plan area affected by DA647/2015

At this location the approved design included:

- Approximately 158 residential lots (including 46 rear loaded laneway lots)
- Two street connections (collector road and local street) and a pedestrian connection to Nobles Road
- One street connection (collector road) and a pedestrian connection to Nobles Road
- Trunk collector road (Balmoral Parade)
- Elongated local streets running in a north south direction through the subject land
- Seven blocks of lots with rear lane access
- Partial piping of Digby Creek at its western end
- The upper area of Digby Creek leading up to Noble Road left un-piped providing for three Passive Open Space (POS) areas totaling 4344m²
- Local park with an area of 2214 m²
- Three super lots for future development

DA647/2015 Subdivision Layout

The proposed design is described as:

- 146 residential lots (zero rear loaded laneway lots)
- Three elongated streets running north-south through the site resulting in less cut and fill
- Intersections redesigned to give better traffic circulation and management
- Larger lots on the steeper site to allow for improved building platforms
- Piping of Digby Creek
- Local park with an area of 2909 m²
- Retaining Walls
- Footpaths
- Six super lots for future development
- Two residue lots

The road layout and profile has also been designed for a low speed environment with rolled kerbs, parking bays and traffic calming measures to enhance the private development, improve the public amenity and create a pedestrian friendly environment.



Figure 3: Proposed Subdivision Plan



Figure 4: Proposed Subdivision/Aerial Photograph Overlay Plan

The main difference between the approved Development Consent No. 741/2002 layout plan with what is proposed is that the proposed lots have front access from the street system and are not rear loaded as per the requirement of Appendix 16 of the SDCP.

The proponent's justification for this difference is that there are topographical constraints on the site associated with where rear loaded housing can be established.

The proponent intends to deliver rear loaded housing on the proposed residue Lot 506 between Huskisson Street and Balmoral Parade.

This outcome is, however, subject to a future DA being prepared, lodged, and favorably determined. The proponent's intention is to deliver higher density yields close to the Town Centre and provide a pleasant streetscape opposite the Town Centre along Balmoral Parade.

This objective is sound in the context of the policy intent, however, since these outcomes are not proposed in the subject application careful consideration should be given as to the weight that can be afforded them in assessing the development because until such time as they are proposed they cannot be relied upon as an outcomes of the subject development.

b. Residential Density Transition

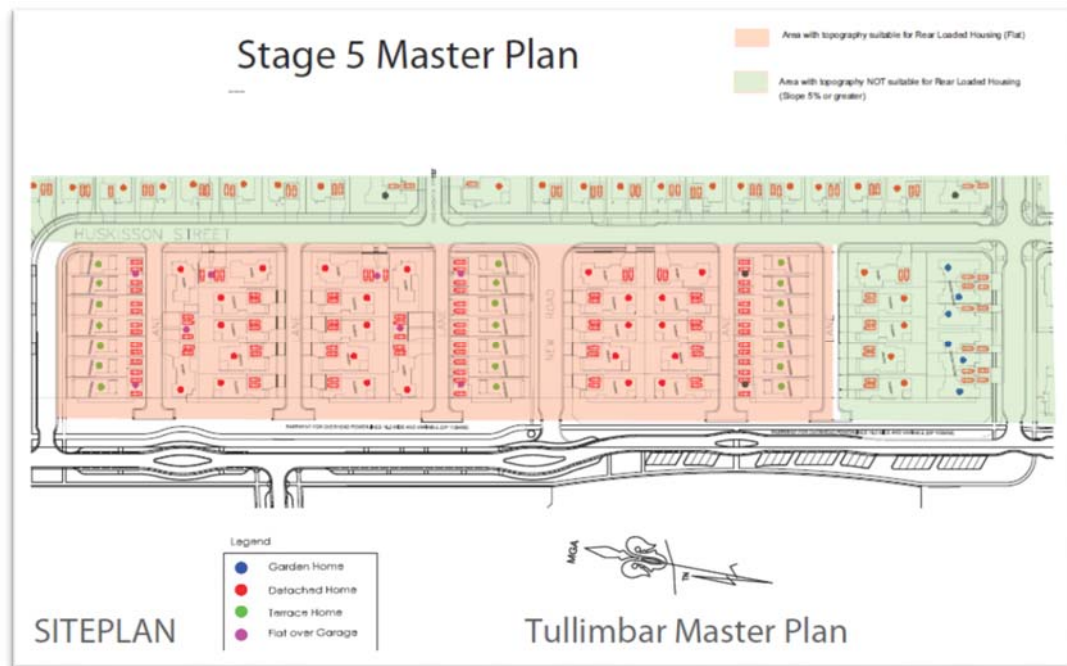
The subject DA647/2015 provides no transition in density across urban form proposed in the subdivision with traditional residential lots (>450m² in area) proposed throughout. However, there are a number of super-lots and residual allotments that the applicant has indicated are to be developed at a higher residential density, subject to future Development Applications.

These residual allotments and super-lots are located within 400 metres of the Village Centre and in the areas that the SDCP 2013 indicates should be developed for Medium Density Residential Development.

The proposed layout can be supported where it can be demonstrated that there is, or will be, a transition in urban form, streetscape and subdivision pattern from the existing Tullimbar development (having lots serviced by a rear laneway) to the traditional low density urban form of the adjoining development to the east of the site.

It is considered that the above transition can be achieved without diminishing the unique character of the existing Tullimbar development on the basis of the following:

- the siting of the super-lots, which is envisaged to be developed in the future as small lot housing possibly serviced with rear lanes,
- the siting on the super-lots is generally consistent with the urban development precinct plan (figure A13.2) which shows those precincts to be developed as medium or low density residential, and
- the future development of the residue land between road no. 1 and Balmoral Parade to be developed with small lot housing. The proponent has prepared a number of concepts to show that an urban form can be achieved that is consistent with the Tullimbar provisions of SDCP with a mix of rear loaded and front loaded lots and an example has been submitted by the applicant below:



Notwithstanding the above variations to SDCP, the proposed subdivision is considered to be generally consistent with the many and varied development objectives and related development provisions. As such, the variations are not considered to undermine the objectives relating to development in Tullimbar as detailed in SDCP A13.4, and the subdivision proposal provides the requisite future opportunities for increased density across the site in accordance with SDCP Figure A13.2.

c. Development Yield

The SDCP states that to achieve a minimum dwelling yield of 1500 dwellings for the Tullimbar Village area, minimum dwelling yields for each precinct as shown in SDCP Figure A13.4 have been defined. The land subject to this DA falls within Precinct E of the SDCP with a proposed yield of 262 dwellings.

Development Consent No. 741/2002 Development Yield

Once developed the residential subdivision approved by Development Consent No. 741/2002 within Precinct E will provide a total of approximately 200 dwellings.

DA647/2015 Development Yield

The proponent has advised that once developed the whole residential subdivision proposed within Precinct E will provide a total of approximately 404 dwellings.

d. Boundary Treatments

The proposed subdivision layout addresses the eastern boundary along Noble Road differently from the approved layout as a result of 2 key issues, the steepness of the topography and the concerns around increased traffic and pedestrian safety along Noble Road.

Retaining Walls

The design includes a 400m length of retaining wall along the eastern boundary with the existing adjoining lots along Noble Road to accommodate the steepness of the land in this location.

The retaining walls are proposed at the rear of the lots along Road No 3 to reduce the amount of earthworks to be carried out in the future by the lot owners. When these

walls are constructed the subject lots will have a maximum slope of 1 in 10, which is a significant reduction in slope from 1 in 6 as approved in Development Consent No. 741/2002.

The retaining walls will also lower the benched level of the new lots further below the level of the existing residences in Noble Road. Therefore, the roof lines of the new houses will be lower and the views the Noble Road residents currently enjoy of the Illawarra Escarpment to the west are unlikely to be adversely affected.

The lots in this location along the eastern portion of the site are larger than proposed in the Development Consent No. 741/2002, due to the steepness of the land, to achieve an adequate building platform, construct the stepped retaining walls and provide a landscape buffer to the neighbouring properties along Noble Road at the rear of the lots.

Therefore, the general philosophy for the retaining walls are that it is necessary due to the steepness of the land in the locality and to achieve satisfactory gradients and road geometry on the proposed roads in the area. It is proposed that the retaining walls will be stepped and then landscaped to achieve an attractive built form. The steps will meet the SDCP maximum retaining wall height of 1 metre. The landscaping is designed to soften the built form of the retaining walls and substantially reduce the visual impact of the structures in the locality. Specifically the following information is provided:

- a. Plans have been included in Attachment 4 showing the location and heights of the retaining walls and various cross sections as requested by the JRPP.
 - b. The retaining walls are 1 m in height and 1 metre horizontal stepped terraces to soften their visual impact and protect the amenity of the lots. A Landscape Plan is included in report submitted to the panel on 26 July 2016 demonstrating how the retaining walls will be treated to reduce the visual impact and ensure the amenity of each lot is protected.
 - c. The proposed catch drain will be lined with concrete so maintenance will not be an issue.
- (a) The footings and the zone of influence of the mentioned structures will not impact on the structural integrity of the retaining walls. Details will be provided with the Construction Certificate.

Additional details of the horizontal and vertical elements of the terraced retaining walls are provided in Attachment 4 to demonstrate how the walls will be constructed.

Access to Noble Road

The proposed subdivision design reduces the number of intersections with Noble Road in response to the resident objections to increasing the traffic along Noble Rd and concerns about safety of pedestrians and other car users along Noble Road.

The proposed road design does not include a southern vehicular access point with Noble Road at the top of the hill, thus reducing the impact on Noble Road which retains existing low traffic volumes in the top end of the street. The design provides a nice controlled intersection with a future roundabout at Berrima Street. Connectivity to the surrounding residential land is provided along Berrima Street to Noble Road and Balmoral Parade. Pedestrian access to Noble Road is provided along Berrima Street and from the eastern end of Foxground Street in a later stage. Additionally, no lots in the subject DA proposal will access from Noble Road.

This is considered a better outcome as these measures will enhance the safety and function of Noble Road and this is supported by the Traffic Assessment Report that accompanied the subject DA.

Balmoral Parade

Although not part of the subject DA647/2015 the proponent has reviewed its plans for the land fronting Balmoral Parade and has indicated that this section of its future subdivision to include a portion of rear loaded lots along the Balmoral Parade frontage opposite the proposed Tullimbar Village Centre.

It is considered that this approach meets the objectives of the SDCP by increasing the dwelling yields in the Precinct E, provides a higher density development adjacent to the Village Centre and protects the integrity of the Balmoral Parade streetscape and amenity of the Village area, thus meeting the vision for the Tullimbar Village as set out by Miltonbrook Developments.

The rear loaded lots are not part of the current proposal but will form part of the proposed subdivision in the future fronting Balmoral Parade. A Conceptual Layout of how these rear loaded lots may work has been provided.

e. Public Open Space – Digby Creek Gully

The watercourse known as Digby Creek runs in an east west direction for about 100m from Noble Road into the residentially zoned land and tails out halfway through the site.

It is environmentally degraded and accordingly it is not proposed to be maintained in the subdivision. This design amendment is required to achieve the building landform in that area of the site and is in compliance with the SDCP Tullimbar Western Valley Village Structure Plan.

Council Engineers have advised that there is no merit from a stormwater point of view in keeping the Digby Creek gully and that the stormwater pipe from the end of Noble Road that currently feeds into the Digby Creek channel can be piped and diverted through the development.

In normal circumstances the need for retention of riparian corridors increases as you progress downstream. It is most irregular to retain an upstream section, whilst allowing the downstream section to be piped and transformed by urbanisation.

It is not required as part of the overall Stormwater Management Strategy for the site. Additionally, the NSW Office of Water has raised no objections to the loss of this corridor, and has approved the proposed works and has expressed no need for the retention of the Digby Creek gully.

f. Cycleway Network

The proposed subdivision design does provide an extensive footpath network and bus route thus supporting pedestrian activity and public transport. However, the design does not include cycleway paths for the following reasons:

- The roads within the proposed subdivision are designed for low speeds enabling the roads to be shared safely with cyclists, therefore, there is no need to provide additional off road facilities.
- Council's Pedestrian and Cyclist Master Plan does not include the Western Valley area of Tullimbar.
- As there are no cycleway facilities outside the subject land in the adjoining Regal Heights area or in the Tullimbar Village being developed by Miltonbrook Development (Fountaindale) to join into, there is no point in providing additional facilities in an isolated area on the subject land.

Therefore, a shared pedestrian-cycle path is not proposed as part of the development as there is no network to link into and increasing the widths of the proposed footpaths to create shareways would negatively impact the landscape design and amenity of the proposed streetscapes. Finally, in its letter of 16 December 2015, the RMS stated it would not support the provision of cycle lanes if there is no connectivity with the surrounding road network.

2. Modified conditions of the Development Consent No. 741/2002

The following condition is recommended:

A8 Modification of Development Consent No. 741/2002

Pursuant to Section 80A of the Environmental Planning and Assessment Act, the Development Consent No. 741/2002 is taken to be modified, in so far as it relates to the area of land to which this consent relates, to the effect that the conditions and requirements of this consent are imposed and prevail to the extent of any inconsistency, and that Development Consent No. 741/2002 has no effect on the area of land to which this consent relates upon its physical commencement.

3. Equal or Better outcome with Development Consent No. 741/2002

a. Subdivision Layout

It is considered that the subject DA proposes a better outcome than the Development Consent No. 741/2002 as the proposed subdivision layout is a site responsive design outcome taking into account the natural features, topography, physical constraints and positive attributes of the subject land.

The proposed street network facilitates solar access to dwellings and connections to the surrounding residentially zoned land.

The proposed subdivision design is considered to meet the intent, objectives and advice contained in Appendix 13 of the SDGP as they relate to the site. This is addressed in detail in the submitted SEE and this supplementary information.

The proposal will provide a sustainable residential neighbourhood with high amenity and a sense of place which will enhance the private domain of the residents and ensure successful and highly utilised public areas.

b. Transition

This will deliver an appropriate transition in urban design, built form and streetscape as one moves beyond the Tullimbar Village Centre, through the proponents land and to the existing Albion Park urban area.

This will provide a higher density residential area close to and in support of the Village Centre, complement the Miltonbrook rear loaded lot development in the existing Tullimbar Village and improve the streetscape by removing the dominance of driveways and garages on Balmoral Parade around the Village Centre in line with Miltonbrook's philosophy.

It also offers a good outcome with regards to providing housing diversity in the Estate. The option presented is indicative at this stage and The proponent seek to develop this further for submission with in a DA in the future.

c. Development Yield

This is considered to be a better outcome on the land as it achieves a higher dwelling yield than envisaged in the SDCP or approved in the Development Consent No. 741/2002.

d. Boundary Treatments

The proposed subdivision design reduces the number of intersections with Noble Road in response to the resident objections to increasing the traffic along Noble Rd and concerns about safety of pedestrians and other car users along Noble Road.

This is considered a better outcome as these measures will enhance the safety and function of Noble Road and this is supported by the Traffic Assessment Report that accompanied the subject DA.

Retaining walls have been introduced along most of the eastern boundary of the subdivision which is considered a better outcome on the site than the Development Consent No. Development Consent No. 741/2002 as it improves the building platforms in this location, lowers the rooflines, preserves the views and amenity of the Noble Road landowners and provides a better visual outcome along the length of the eastern boundary with the ability to provide substantial landscaping along the length of the retaining wall.

Along the western boundary of the subject DA the importance of the Balmoral Parade streetscape to the future Village Centre is recognised and it is considered that the electricity easement offers an opportunity to enhance the streetscape through a landscape buffer. Together with the orientation of the dwellings, sympathetic fencing design, pavement choice and landscape design the amended layout will present an enhanced and attractive streetscape to Tullimbar Village Centre. This is considered an equal outcome to that approved in the Development Consent No. 741/2002.

e. Digby Creek Gully

The steep incised gully of Digby Creek is not appropriate for use as public open space. It is not suitable for passive or active recreation and Council's Property Section have advised that Council would not want to maintain this strip of land and would not accept dedication of the gully as public reserve. The topography of the gully does not lend itself to Digby Creek being used as a nature reserve as one could not access the gully or vegetation due to the steeply incised nature of the channel.

The original Development Consent No. 741/2002 and development layout were proposed based on a number of baseline studies, one of which was the Digby Creek Drainage Study prepared by Forbes Rigby for Shellharbour Council dated April 2000. That study indicates that the ephemeral stream known as Digby Creek had urban potential due to its relatively low environmental significance. The Study also stated that it was not desirable that the creek be left in its existing form with respect to public safety and ongoing scouring.

Its banks were too steep and unstable for the proposed urban context and the ongoing bed scour would lead to undercutting of the toes of the banks and subsequent bank collapse if unchecked. Some modification was considered necessary to ensure public safety. The Study came up with 5 modification options for Digby Creek ranging from minimal work with scour protection in the creek bed and reducing the batters of the embankments to excavation of the channel to increase capacity and batter the embankments and install a low flow pipe in the bottom of the channel. All options involved some or all vegetation removal and possible replanting.

The existing consent (Development Consent No. 741/2002) specifies that the design for Digby Creek must be generally in accordance with Option C of the Digby Creek Drainage Study.

Option C requires the complete conversion of the creek into a floodway with substantial excavation and filling to improve the channel capacity and batter the banks and results in the removal of all the existing vegetation in the gully and riparian corridor except the identified *Angophora floribunda*. A review of the approved development layout plan shows

that a portion of the incised gully appears to be maintained but delivering the proposed 2 road crossings would result in approximately 50% of the creekline being lost and the gully being partially filled.

Therefore, the existing consent does not maintain the existing Digby Creek riparian corridor and protect the existing vegetation. It does not see any environmental value in the riparian vegetation and in fact it supports the removal of all the vegetation and the re-engineering of the channel as a floodway. Subsequent Stormwater Management Studies have identified that Digby Creek is not required for flood mitigation and stormwater management and Council Engineers support this position.

However, in the subdivision layout approved under Development Consent No. 741/2002, the area around Digby Creek is shown as a linear public reserve divided into 3 portions of approximately 907m², 2214m² and 1333m² moving from east to west into the subject land. A total area of approximately 4454m² of open space. In the design of the current DA this was taken to refer to a floodway or drainage easement and not a usable piece of public open space as the steep topography of the land does not lend itself to use as passive recreation. As such it was looked at from a stormwater management and engineering point of view not from a planning viewpoint as it was never considered to be for the purpose of passive recreation.

f. Cycleway Network

This is a variation to the existing consent but the precedent has been set in the adjoining Tullimbar Village developed by Miltonbrook so it is considered an equal outcome to the stages of the Development Consent No. 741/2002 that have already been constructed.

4. Recommendation

It is recommended that development application no. 2015STH027 (Council reference no. DA No.647/2015) be approved subject to the draft amended conditions contained in Attachment 1 including the addition of a new Condition A8, and deletion of Condition F19.

5. Attachments

Attachment 1 – Draft Amended Schedule of Conditions

Attachment 2 – Consent Conditions Comparison Table

Attachment 3 – Retaining Wall Plans

Attachment 1 – Draft Amended Schedule of Conditions

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, and
- 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 approved Development Application plans and documents as endorsed by Council's stamp **except where modified by conditions of this consent**.

Name of Plan/Document	Prepared By	Reference	Date
Subdivision Plan	siteplus	1501.D3.P01 Revision G	22.06.2016
Staging Plan	siteplus	1501.D3.P03 Revision G	22.06.2016
Detailed Subdivision Plans 1-3	siteplus	1501.D3.P04-P06 Revision G	22.06.2016
Retaining Wall Plan	siteplus	1501.D3.C22 Revision C	07.03.2016
Concept Retaining Wall Landscape	groundink	20150317 LDA-016 Revision A	25.02.2016
Pedestrian Footpath Network	siteplus	1501.D3.P09 Revision C	07.03.2016
Tree Survey	Project Surveyors	D2401-DETAIL-TREES Sheet 1 of 1	14.03.2016
Unanticipated Discovery Protocols, Appendix 2 of Due Diligence Archaeological Assessment	Navin Officer heritage consultants Pty Ltd	Issue No. v2	September 2015

A4 Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

A5 NSW Rural Fire Service

The development must comply with the advice of the NSW Rural Fire Service, as contained in their letter dated 30 June 2016, consisting of three (3) pages, and which forms part of this Notice of Determination.

A6 NSW Department of Primary Industry - Water

The development must comply with the advice of the DPI - Water, as contained in their letter dated 15 December 2015, consisting of four (4) pages, and which forms part of this Notice of Determination.

A controlled activity approval will be required prior to any Subdivision Construction Certificate being issued.

A7 Staging of Development

The development must be generally staged as follows:

Stage	Development
1	44 residential lots.
2	38 residential lots, 1 superlot & 1 local park lot, a total of 40 lots.
3	8 residential lots & 3 super-lots, a total of 11 lots
4	46 residential lots & 2 super-lots, a total of 48 lots
5	10 residential lots

All conditions of this consent apply to each stage, unless otherwise specified.

A8 Modification of Development Consent No. 741/2002

Pursuant to Section 80A of the Environmental Planning and Assessment Act, the Development Consent No. 741/2002 is taken to be modified, in so far as it relates to the area of land to which this consent relates, to the effect that the conditions and requirements of this consent are imposed and prevail to the extent of any inconsistency, and that Development Consent No. 741/2002 has no effect on the area of land to which this consent relates.

PART B - PRIOR TO ISSUE OF SUBDIVISION CONSTRUCTION CERTIFICATE

B1 Initial Geotechnical Report

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

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

- extent and stability of proposed embankments including those acting as retarding basins,
- recommended Geotechnical testing requirements,
- level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high

risk areas must be identified on a plan and the approved engineering plans must be amended to indicate that vibratory rollers must not be used within that zone,

- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. the recommended treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines, and
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

B2 Soil and Water Management Plan (SWMP)

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

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

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials,
- e. control surface water flows through the development construction site in a manner that:
 - i. diverts clean run-off around disturbed areas,
 - ii. minimises slope gradient and flow distance within disturbed areas,
 - iii. ensures surface run-off occurs at non-erodible velocities, and
 - iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilised (includes landscaping),
- g. specifies measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 20 year ARI event at all inlet and outlet structures, and
- j. include measures to prevent the tracking of sediment off the site.

B3 Soil and Water Management Plan (SWMP) Bond

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

- a. the bond must be submitted to Council prior to the release of the Subdivision Construction Certificate,

- b. the bond must be held by Council until the expiration of the defects liability period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads, and
- c. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.

B4 Road Design

The road design must comply with the following:

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

B5 Road Drainage Plans

Road and drainage plans must be prepared by a suitably qualified engineer in accordance with Council's *Subdivision Design Code*. The plans 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.

All stormwater pipes within the 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 - *Design for Installation of Buried Concrete Pipe*.

B6 Pram Ramps

Access ramps shall be provided at all intersections of pathways with a public road in accordance with AS 1428.1 2009, as amended from time to time. Details to be provided with the Subdivision Construction Certificate application.

B7 Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm must be grated galvanised steel grid hinges and be heavy duty type where traffic loading is expected. Details to be provided with the Subdivision Construction Certificate application.

B8 Structural Design of Deep Pits

All pits deeper than 0.9 metres shall be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres must be reinforced concrete. Step irons are to be at 300mm interval spacing from bottom of pit. Top step is to be a minimum 500mm below top surface level. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.

B9 Flood Analysis

Prior to the issue of a Subdivision Construction Certificate, a flood analysis must be submitted, and approved by, Council. A flood analysis of a variety of events up to and including the Probable Maximum Flood (PMF) must demonstrate:

- a. the effect of the proposed development on downstream properties and proposed measures to ensure downstream properties are not subject to additional flooding as a result of the development,
- b. flow velocities together with the extent of the area inundated by the 1 in 100 year ARI flood,
- c. how the PMF can be safely passed through the site,
- d. how newly created lots are to be located above the Flood Planning Level (FPL – 1 in 100 year ARI flood level + 0.5 m).

B10 Electricity Substation

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

B11 Retaining Walls

The maximum total height of the terraced retaining wall structure must not exceed 2.5m. Each retaining wall must not exceed 1200mm in height and must be stepped down the slope by at least 1000mm to allow adequate landscape to grow in the setback area between the retaining walls. The intent of the landscaping is to screen and soften the overall height of the retaining wall structure.

Existing drainage from all affected Noble Road dwellings must be connected into the proposed inter-allotment drainage line adjacent to the eastern boundary of the subject site. Details must be submitted with the Subdivision Certificate Application.

Where steps are to provide access to the catch drain for maintenance and repair, the steps should be integrated into the design of the retaining walls.

Only those retaining walls shown on the approved plans are approved under this consent with exception of any retaining walls less than 600mm in height.

Retaining walls that exceed 600mm in height must be designed by a practicing structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

Construction of retaining walls or associated drainage work must not compromise the structural integrity of any existing structures on adjoining properties.

No retaining walls are to be constructed on land proposed to be dedicated to Council.

Details to this effect to be provided with the Subdivision Construction Certificate application.

B12 Engineer Designed Pavement – Battle Axe Lots

The vehicle pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Australian Standard 'Guide to Residential Pavements' (AS 3727-1993 or subsequent amendments) can be used as the design guideline for the pavement design. These details must be submitted with application for a Subdivision Construction Certificate for those stages with battle axe lots.

B13 Local Park

In accordance with the provisions of the *Shellharbour Development Control Plan* and Council's *Section 94 Contributions Plan 2013* dated 18 December 2013, 2,909m² of passive open space, being proposed lot number 1001, must be dedicated to Council free of cost to cater for the open space needs of this development.

The land to be dedicated as open space must:

- a. be embellished in accordance with the requirements for this category of park as contained in Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013, as contained in Appendix B of Council's *Open Space, Recreation and Community Facilities Needs Study*,
- b. be prepared in accordance with the *Shellharbour Development Control Plan* (for example, landscape chapter),
- c. include screen landscaping along the full length of the future side boundary fencing of lots 317 and 318, and include at least one deciduous large tree, and
- d. in its embellishment and landscape treatment consider 'Crime Prevention Through Environmental Design' (CPTED) principles.

Details of all proposed embellishment and landscape works must be submitted to Council for approval prior to the release of the Subdivision Construction Certificate for Stage 2.

The *Section 94 Contributions Plan 2013* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

B14 Landscape & Street Tree Plan

A detailed landscape and street tree plan prepared by a Landscape Architect must be submitted with the Subdivision Construction Certificate. One soft and one hard copy are required. The plan must be prepared in accordance with the *Shellharbour Development Control Plan* and the following requirements:

- a. retaining wall landscape species to be low maintenance, have a height and habit on maturity that will soften and partially screen the retaining wall structure, and for the upper level landscape bed produce minimal litter so as to minimise any impediment to the unobstructed discharge of water along the catch drain at the top edge of the retaining wall located on the eastern boundary of the development site,
- b. perimeter landscape beds along the length of the access handle pavement of the battle-axe lots. The species selected must be low maintenance, achieve a height/habit that will soften the interface between the extensive pavement and boundary fence and have 'soft' leaves so vehicles are not damaged by the landscape,

The width of the perimeter landscape beds must be, for a 5.0m wide access handle with a pavement width of 3.0m, at least 1.0m on each side of the driveway pavement,

c. the plan must exclude the following species:

- *Platanus x acerfolia*
- *Lophostemon*
- *Plantanus x hybrid*
- *Eucalyptus haemastoma*
- *Sapium sebiferum*
- *Fraxinus raywoodii*
- *Robinia pseudoacaia 'Frisia'*
- *Jacaranda mimosifolius*,
- *Rhaphiolepis oriental pearl* (Indian Hawthorn), and
- *Pennisetum alopecuroides* (Swamp Foxtail).

Council's Landscape Technical officer can be contacted for suitable alternate species,

d. 'Crime Prevention Through Environmental Design' (CPTED) principles, and

e. be generally in accordance with the concept masterplan Tullimbar DA3 drawing no. LDA-000- LDA-015 prepared by groundlink landscape architects and dated 28.09.2015.

B15 Drainage Reserve

The 3.0 m wide drainage reserve proposed between lots 233 and 328 must be relocated into private property. Details must be submitted prior to the issue of a Subdivision Construction Certificate of how major storm over flows will be conveyed from the sag point on top of the retaining wall, through the burdened allotment. Similarly, details shall be submitted for the other sag point above the retaining wall, adjacent to lot 444.

B16 Retaining Wall Catch Drain

Details must be provided of how access will be provided for maintenance of the concrete-lined catch drain which is proposed along the top edge of the retaining wall located along the eastern boundary of lots 230-233, 328-335, 412-413 and 444-446, and between lot 36 and 230.

B17 Protection of Aboriginal Sites

Plans submitted with the Construction Certificate application must show the locations of Aboriginal sites within 20m of the development footprint as 'no-go' areas and detail the fencing to be installed so as to restrict access.

These sites are Tullimbah Village PAD2, Tullimbah Village PAD3 west and Tullimbah Village PAD4.

Fencing must be installed prior to works commencing to minimise the potential for inadvertent impact.

B18 Bond - New Street Trees

A deposit of \$300 per tree must be lodged with Council prior to the issue of the Subdivision Construction Certificate to ensure that the street trees are maintained for a 6-month period following the issue of the Works Certification Certificate.

B19 Street Tree/Landscape Inspection Fee

The developer must lodge with Council prior to the issue of the Subdivision Construction Certificate an inspection fee of \$147.00 per inspection in accordance with Council's *Fees and Charges* for:

- street tree/landscape works certification inspection, and
- street tree/landscape handover inspection following completion of the maintenance period.

B20 Landscape Plan Compliance Certificate

The developer must lodge with Council a fee of \$45.00 per 1000m² of total development site in accordance with Council's *Fees and Charges* – 'Landscape Plan Compliance Certificate' for the assessment of the landscape plan prior to the issue of the Landscape Subdivision Construction Certificate.

B21 Habitat Boxes

Prior to the issue of the Subdivision Construction Certificate, a report is to be submitted to Council that outlines the type of habitat boxes to be installed, locations, target species and how the boxes will be managed in perpetuity.

B22 Waste Management Plan

A Waste Management Plan for the development must be prepared in accordance with Shellharbour City Council's *Shellharbour Development Control Plan* and be submitted with the Subdivision Construction Certificate. The plan must detail all waste streams and disposal methods. Any surplus excavated material from the site must be taken to an approved land fill site. Details of this location must be detailed on the waste management plan. Excavated material may only be taken to another site with prior written approval of the Certifying Authority.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Unexpected Finds Contingency

An unexpected finds protocol for contamination is to be prepared for the construction earthworks by a suitably qualified professional and submitted to the Principal Certifying Authority prior to the commencement of works. The unexpected finds protocol should include procedures and protocols for managing risks should unexpected finds of contamination be identified at the site.

C2 Remediation Action Plan

A Remediation Action Plan must be prepared by a suitably qualified professional and submitted to the Principal Certifying Authority detailing how the lead impacted areas identified in the contamination assessment for the site will be remediated prior to the commencement of works.

C3 Site Meeting with Council

A site meeting with Council's Engineer, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.

C4 Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

C5 Construction Traffic Management Plan (CTMP)

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

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

C6 Site Management Plan

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

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. 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
- f. 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.

C7 Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

C8 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993

Prior to any physical works within Council's road reserve in such as (but not limited to) installing a driveway or connecting stormwater facilities, you will need to apply for approval under Section 138 of the *Roads Act 1993*. Fees are payable in accordance with Council's *Fees and Charges*.

To lodge your application you will need to submit the following information:

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

C9 Public Liability

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

C10 Habitat Boxes

One month prior to removal of hollow bearing trees, suitable, purpose built micro-chiropteran habitat boxes must be erected in a portion of the property that will be retained in perpetuity.

The location of the habitat boxes must be recorded using a Global Positioning System (GPS), and a map showing the position of these produced.

The ratio of habitat boxes to trees removed will be 3 to 1. A total of 9 habitat boxes (3/tree cleared) should be erected.

A project ecologist specialising in fauna must be engaged prior to commencement of works.

C11 Pre-clearance fauna survey

A pre-clearance survey must be conducted by the project ecologist 1 day prior to the commencement of vegetation clearing works. The purpose of this survey is to identify any additional roosting or nesting fauna (including drays) which are present within all trees proposed for removal. The ecologist should conduct a thorough inspection of all trees approved for removal and mark those which are observed to contain roosting or nesting fauna and will require supervision of the clearance works.

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 construction, excavation and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays, and
- 8am to 1pm Saturdays.

D4 Maintenance of Soil and Water Management Plan (SWMP)

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

Maintenance must include but is not limited to ensuring:

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

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

D5 Unanticipated Discovery Protocol

In the event that object/s which are suspected of being Aboriginal object/s or relic/s are encountered during works, the Unanticipated Discovery Protocol (which forms part of the approved documentation of condition no. A3) must be implemented.

D6 Tree Removal

Existing trees and or vegetation nominated for removal must be removed prior to any construction works. Trees/vegetation removed are to be mulched and used to mulch the existing trees and/or vegetation to be retained. Any environmental weed must be removed from the development site and must not be used for mulch purposes.

D7 Subdivision Design Code Compliance

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

D8 Lots and Site Filling

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

D9 Geotechnical Testing - Drainage

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

Geotechnical testing must 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.

D10 Earthworks Cut, Fill & Grading

The maximum grading of cut or fill must be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill. The maximum depth of cut or fill on any portion of the allotment must generally be in accordance with the approved plans that form part of condition A3.

D11 Road Construction and Road Drainage Construction

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

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

D12 Dam Dewatering

All dams must be dewatered, desilted and backfilled prior to the release of the Subdivision Certificate for that stage of the development. This filling shall be performed subject to Level 1 Geotechnical control in accordance with AS3798-2007, or subsequent amendments.

D13 Street Lighting

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

D14 Traffic Committee – Signposting & Line Marking

A Signposting and Line Marking Plan must be lodged with Shellharbour City Council's Traffic Committee for written approval. The plan must detail all facilities, signage and line-marking required within and surrounding the development.

D15 Battle Axe Lots - Footpath Crossing, Layback & Driveway

A 3.0m wide standard residential vehicular concrete footpath crossing and layback must be constructed between the kerb and the property boundary for each battle-axe allotment created. The footpath crossing must maintain a perpendicular alignment from the kerb to the property boundary line and must be finished with a slip resistant coating.

Vehicular access must not interfere with the existing public utility infrastructure or existing street trees. The footpath crossing must be 500mm clear of all drainage structures and 2.0m from street trees.

The 3.0m wide driveway pavement must be constructed along the full length of the access handle. The pavement must be located mid-centre with a 1.0m wide landscape bed on each side.

D16 Street Trees

One tree per residential lot and two trees per corner residential lot must be planted on the residential lot on the Council footpath reserve. All trees are to be installed and fitted with the following requirements:

- a. tree species as per the approved plan (refer Part B),
- b. trees must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed,
- c. 1m x 1.5m timber edging installed at the base of the tree constructed from the back of the kerb,
- d. two hardwood stakes with 50mm hessian ties, fixed in a figure 8, to support each tree, and
- e. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk.

D17 Street Tree Planting Distances

The following recommended clearances are to be taken into account prior to the installation of street trees:

- a. minimum 3.0m either side of a driveway or vehicular crossing,
- b. minimum 2.0m from services and signage,
- c. minimum 1.5m from a stormwater outlet/pit,
- d. minimum 3.0m from street light posts, and
- e. minimum 15m from pedestrian crossing and traffic signals.

D18 Street Tree/Landscape Inspection

All street trees and/or landscape must be inspected by Council prior to the issue of the Landscape Works Certification Certificate. It is the responsibility of the developer to notify Council for the street tree/landscape inspection.

D19 Tree Removal Procedures

- a. An ecologist must be on site during removal of vegetation, particularly trees 30, 31 and 32.
- b. Immediately prior to the clearing of the gully vegetation the project ecologist must conduct an inspection of any suitable ground debris, shrubs and accessible hollows. These inspections should be conducted to determine, and collect if possible, any sheltering or nesting animals.
- c. All trees to be removed must be felled by a qualified arborist.
- d. Non hollow-bearing vegetation, shrubs and so forth must be cleared no less than 48 hours prior to the felling of the hollow-bearing trees. The clearing of this vegetation should result in the hollow-bearing trees becoming 'exposed' and isolated'.
- e. Hollow bearing trees and stags must be felled by an arborist in one to two metre sections, beginning at the top of the crown and lowered to the ground for inspection by the ecologist on site. Lengths cut from the tree shall be in a manner that will preserve the hollow(s). Once felled, the ecologist should inspect all hollows for sheltering animals.
- f. Any animals present within the tree hollows should be collected and released on dusk, or under conditions that equate to the life cycle requirements of the species collected, within those portions of the site that are to be retained in perpetuity.
- g. WIRES must be contacted in the instance of injured wildlife.
- h. Any suitable hollow limbs present in association with the felled trees must be collected and located within those portions of the site that are to be retained in perpetuity.
- i. Relocated natural hollows must be included, GPS'ed, mapped and incorporated in the ongoing habitat box monitoring.
- j. The project ecologist will provide Council with a Letter Report confirming that the procedures specified have been complied with, along with notes on any fauna encountered and the outcome of salvage.

D20 Fencing

For those lots with the approved retaining walls, side boundary fencing must be erected from the rear boundary to at least 3m westward as measured from the lowest retaining wall.

D21 Footpath

A 1.2m wide concrete footpath must be constructed generally in accordance with the approved footpath plan. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

The path must be constructed in accordance with the following requirements:

- a. 25Mpa concrete 100mm thick and steel reinforced.

- b. Connelly key joints are to be used every 3m with the appropriate plastic strip in place on top to ensure a good finish.
- c. An expansion joint is to be placed every 12m and must have the reinforcing pass through it.
- d. All connections to existing paths and gutters must be dowelled.

PART E - PRIOR TO OCCUPATION

Not Applicable

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 Final Plan of Subdivision

Prior to the release of the final plan of subdivision, it will be necessary to obtain a Subdivision Certificate. In this regard, it will be necessary to submit:

- a. an application for a Subdivision Certificate,
- b. five paper prints of the final plan of subdivision,
- c. the original and two paper copies of the 88B Instrument and Administration Sheet,
- d. fees appropriate at the time of submission of the application, and
- e. an electronic copy of the subdivision linework. The electronic copy should be in Map Grid of Australia 1994 Zone 56 (GDA94) coordinates and must contain closed linework of boundaries and easements. It must be submitted in DWG or DXF format on cd-rom or by email to traffic&subdivision@shellharbour.nsw.gov.au

The email and the electronic copy should be named "Subdivision Title & Stage DA No./year, street address final plan".

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

F2 Sydney Water Section 73 Compliance Certificate

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

Please make early application for the Certificate as there may be water and wastewater pipes to be built this can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Application must be made through an authorised Water Servicing Coordinator. For assistance visit www.sydneywater.com.au > *Plumbing, Building and Developing* > *Developing* > *Land development* or telephone 13 2092.

F3 Section 94 Contributions

A contribution must be paid to Council towards the provision of community infrastructure and services prior to the issue of the Subdivision Certificate for each stage as detailed in the table below. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013 and the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction* in the following manner:

Stage	Precinct 7, Albion Park	Benefit Area 8, Albion Park Drainage - Cooback Creek	Benefit Area 9, Western Valley Facilities	Total Section 94 Contribution
1	\$698,480.89	\$115,926.46	\$65,592.65	\$880,000
2	\$601,973.34	\$121,496.80	\$56,529.86	\$780,000
3	\$160,915.88	\$43,972.90	\$15,111.22	\$220,000
4	\$756,223.25	\$132,761.66	\$71,015.09	\$960,000
5	\$160,759.69	\$24,143.76	\$15,096.55	\$200,000
Total	\$2,378,353.05	\$438,301.58	\$223,345.37	\$3,040,000

In accordance with the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011* there will be no required adjustments or indexation to the amount payable.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

F4 Remediation Action Plan

Written verification that contamination remediation has been undertaken in accordance with the Remediation Action Plan required under condition no. C2 must be prepared by a suitably qualified professional and submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

F5 Road Dedication

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

At the time immediately prior to all subdivision roads becoming designated gazetted public road, an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The roads are to be handed over to Council at no cost to Council prior to issue of the Subdivision Certificate.

F6 Inspection of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines have been completed. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of a Subdivision Certificate.

F7 Final Geotechnical Report

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

- a. all earthwork operations,
- b. a fill plan showing extent and depth of fill,
- c. certification that all earthworks within the site have complied with Council's *Subdivision Design Code*. This shall include appropriate test results, test location diagram and date of testing,
- d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied,
- e. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of drainage lines, which must be burdened with a title restriction in the Section 88B Instrument,
- f. identification of all land affected by landslip or instability constraints (if applicable), and
- g. verification that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill.

F8 Lot Creation 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.

F9 Flooding Subdivision - Certification

In order to certify that all newly created residential lots are located above the Flood Planning Level (FPL – 1 in 100 year ARI level + 0.5 m) and flood impacts outside the development are within acceptable limits, a report prepared by a suitably qualified Floodplain Management Engineer is required prior to the release of the Subdivision Certificate. This report must provide details of flood modelling using all Works As Executed information from completed works along with Hydrology Data (flow rates) for the 20% Annual Exceedance Probability (AEP), 1 %AEP and PMF events input from Council's Adopted Macquarie Rivulet Flood Study. The report must be submitted to the satisfaction of the Principal Certifying Authority.

F10 Works As Executed Plans - Subdivision

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

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

- f. all deviations from the approved Civil Engineering Plans

All levels must relate to Australian Height Datum.

F11 Battle Axe Lots

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must be satisfied that measures have been put in place to limit the opportunity for development other than a single dwelling, for example, relevant deed in the sales contract (at least where the vendor is Balmoral Parade Pty Ltd). The intent of this requirement is to address the inadequacy of the proposed access handle width to service more than a single dwelling development on each lot with regard to kerbside waste collection.

Where the Principal Certifying Authority is not satisfied that this requirement can be met for all of the battle-axe lots, these battle axe lots may incorporate a 3m wide x 300mm deep 'dog leg' return on the adjoining road frontage lots, or other alternate measure which provides an additional 3m of unimpeded kerb frontage for each battle-axe lot. A restriction on the land title will be required to restrict the installation of any structures to a letterbox structure only within the return width. The intent of this requirement is to ensure future higher residential density development on the battle-axe lots can be serviced with regard to kerbside collection of domestic waste. Adequate unimpeded kerb length in front of the property is to be available for kerbside collection of waste.

F12 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.

F13 Services & 88B Instrument

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

Easements, covenants and restrictions must be placed on the land title to address the following matters:

- a. asset protection zones (APZ) in accordance with the bush fire safety authority that forms part of this consent. The APZ is to be detailed (with dimensions) on the final plan of subdivision,
- b. property access roads and fire trails where applicable in accordance with the bush fire safety authority that forms part of this consent. Access for fire management purposes to be detailed on the final plan of subdivision,
- c. retaining wall structures located along the eastern boundary of Lots 230-233, 328-335, 444-446 and 412-413 and between lot 36 and 230 must not be damaged, modified or removed. In the event that the structure is to be replaced, the wall must be designed by an appropriately qualified and experienced engineer.
- d. side boundary fencing constructed over the concrete lined catch drain along the top edge of the retaining wall located along the eastern boundary of Lots 230-233, 328-335, 444-446 and 412-413 must be open style and have a clearance above the top of the drain to be determined to the satisfaction of the Principal Certifying Authority,
- e. an easement to be created over the concrete lined catch drain proposed along the top edge of the retaining wall located along the eastern boundary of Lots 230-233, 328-335, 444-446 and 412-413,

- f. an easement shall be created in the 88B Instrument over the proposed drainage line and associated works from the sag point on the northern end of the proposed retaining wall located along the eastern boundary of lots 230-233, 328-335, 412-413 and 444-446, preventing any modification without the consent of Shellharbour City Council and preventing the construction of any structure within the Easement. No cut or fill earthworks are to encroach onto this easement,
- g. where the subdivision of the super-lots, lot no.s 309, 401, 404, 601, 610 and 611, will result the creation of lots with a lot area of less than 450sqm, Building Design Guidelines (BDGs) must be prepared for building development on the lots. The BDGs must be approved by Council (or delegate) prior to the issue of a Subdivision Certificate for the subdivision (of the superlot). The BDGs must address and satisfy the objectives and development provisions of the Tullimbar chapter of *Shellharbour Development Control Plan*. In this regard, garages and driveways must not dominate the streetscape and limit on-street parking availability; to achieve this rear loaded lot design may be required,
- h. reciprocal right of carriageway,
- i. waste collection and letterbox restriction of lots that adjoin the battle-axe handle lots, where relevant (refer condition F11), with any structure limited to a letterbox structure to be accessed from the front of the structure only and with no items permitted to be stored or placed even temporarily, such as waste bins, within the return area,
- j. restriction/covenant relating to the management and monitoring of the habitat boxes and relocated hollows as detailed in various conditions of this consent, and
- k. other as determined by Principal Certifying Authority.

F14 Utility services – Electricity

Prior to the release of the Subdivision Certificate for the development written advice must be submitted to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied from the relevant electricity provider.

F15 Street Names

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

The submission shall include the:

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

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

F16 Completion of Local Park Works

The local park must be landscaped and embellished in accordance with the approved Plan prior to the release of the Subdivision Certificate for stage 3. Any variations to the Plan must be authorised by Council in **writing before any changes are made/installed**.

F17 Completion of Landscape Works

The street trees, battle-axe driveway and retaining wall landscape works must be carried out in accordance with the approved plan prior to the release of the Subdivision Certificate. Any variations to the Plan must be authorised by Council in **writing before any changes are made/installed**.

F18 Landscape Inspection

The street trees, retaining wall landscape and local park must be inspected by Council and be to the satisfaction of Council. A works certification certificate must be issued by Council prior to the release of the Subdivision Certificate. It is the responsibility of the developer to notify Council for the inspection/s.

F19 Repairs to Public Infrastructure

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

F20 Verification of Tree Removal Procedures

The project ecologist must provide the Principal Certifying Authority with the Subdivision Certificate application a Letter Report verifying that the procedures specified in the 'Tree Removal Procedure' condition in Part D of this consent have been complied with, along with notes on any fauna encountered and the outcome of salvage.

F21 Practical Completion Certificate

Prior to the issue of a Practical Completion Certificate by the Certifying Authority, the applicant must submit satisfactory Works As Executed Plans, CCTV of stormwater drainage and evidence of all other testing and construction works in accordance with the approved Construction Certificate plans and Council's *Subdivision Design Code* .

The Practical Completion Certificate must be requested by the applicant in writing.

F22 Statement of Completion of Subdivision Construction Works

A Statement of Completion of Subdivision Construction Works issued by the Certifying Authority must be submitted to the Principal Certifying Authority with the Subdivision Certificate application.

The Statement can be obtained upon satisfactory completion of works approved by the Construction Certificate.

F23 Verification of Waste Management

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

F24 Release of Certificate

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

PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE

G1 Habitat Box Monitoring

The erected habitat boxes and relocated hollows must be monitored twice per year for a period of 5 years by the developer.

Yearly monitoring reports must be submitted to Council for a period of 5 years. Report is to be marked 'Attention: Environment, City Development'.

Any damaged boxes, or those occupied by exotic species, must be replaced.

G2 Maintenance Period

All works must be maintained for a minimum period of 12 months commencing from the date of issue of the Subdivision Certificate, unless otherwise agreed to by Council. The developer must ensure that any defective works must be rectified and/or replaced during the maintenance period in accordance with the approved Construction Certificate plans. All costs arising during the maintenance period must be borne by the developer. All works must be maintained in their original construction condition for this liability period. The developer must notify Council for a re-inspection at the end of the maintenance period.

G3 Street Tree Maintenance Period

To ensure establishment of the street trees, the completed street tree installation works must be maintained for a 6-month period following the issue of the Landscape Works Certification Certificate. It is the responsibility of the developer to ensure that any defective street tree installations shall be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

G4 Local Park Landscape Maintenance Period

To ensure establishment of the local park landscape, the completed installation works must be maintained for a 12-month period following the issue of the Landscape Works Certification Certificate. It is the responsibility of the developer to ensure that any defective street tree installations shall be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

G5 Street Tree & Public Reserve Handover Inspection

The street tree and public reserve (local park) handover inspection is required to be carried out at the end of the street tree and public reserve maintenance period. Council shall take full maintenance responsibility of all street trees following a satisfactory result at the end of the 12-month maintenance period.

G6 Street Tree Refund

The street tree bond will be refunded following a 12-month maintenance period commencing from the date of the satisfactory result of the final inspection of the street trees and landscaped public reserve/s. In the event that any street trees/landscape are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer must notify Council for a re-inspection of the street trees and public reserves.

PART H – OTHER APPROVALS

NSW Rural Fire Service – Bush Fire Safety Authority

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529

Your Ref: DA0647/2015
Our Ref: D15/3373
DA15110499239 JM

ATTENTION: Victoria Nicholson

30 June 2016

Dear Ms Nicholson

Integrated Development for 522//1168919 - Braemar Street, Tullimbar NSW 2527

I refer to your letter dated 23 June 2016 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, and in perpetuity, the proposed residential lots, lot 1001 and part of lot 902 to the west and south-west of stages 3, 4 and 5, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. At the issue of a subdivision certificate a 100 metre wide asset protection zone shall be provided to the south and south east of stage 4 as shown in 'Section 9 - Subdivision Plan showing managed Temporary Asset Protection Zone to the southeast of Stage 4' included in the 'Bushfire Protection Assessment' prepared by Australian Bushfire Protection Planners Pty Limited with reference 'B152473-2' and dated 6/10/2015. The APZ shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This shall be maintained until such time as the land is developed and the bush fire hazard is removed.

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 bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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. To achieve this, the following conditions shall apply:

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5. Property access roads shall comply (where applicable) with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

6. Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

Any future development application lodged for land in this subdivision will be subject to the requirements of 'Planning for Bush Fire Protection 2006'. Provision of Asset Protection Zones within the lots boundaries and construction to AS3959-2009 standards will be required.

Reviewed determination

This letter is in response to a request for a further assessment of the application and supercedes our previous advice dated 1 December 2015.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 1 December 2015.

For any queries regarding this correspondence please contact Jason Maslen on 1300 NSW RFS.

Yours sincerely



Amanda Moylan
Team Leader, Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

NSW Department of Primary Industry – Water



Department of
Primary Industries
Water

SHELLHARBOUR CITY COUNCIL

Doc No.

17 DEC 2015

File No.

Box No.

The General Manager
Shellharbour City Council
PO Box 155
Shellharbour City Centre NSW 2529

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@dpi.nsw.gov.au

Our ref: 10 ERM2015/1122
Our file: 2015-0698
Your ref: 647/2015

Attention: Victoria Nicholson

15 December 2015

Dear Madam

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: 647/2015

Description of proposed activity: 163 Lot Residential Subdivision

Site location: Lot 522 DP 1168919, Braemar Street, Tullimbar

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

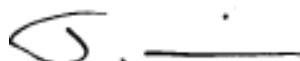
Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Jeremy Morice
Water Regulation Officer
Water Regulatory Operations, Water Regulatory Operations South
NSW Department of Primary Industries – DPI Water

General Terms of Approval

**for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000***

Number	Condition	File No: 2015-0698
Site Address:	Lot 522 DP 1168919, Braemar Street, Tullimbar	
DA Number:	647/2015	
LGA:	Shellharbour City Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 647/2015 and provided by Council:</p> <p>(i) Statement of Environmental Effects</p> <p>(ii) Stormwater Management Study</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>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 DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Construction Drainage Details</p> <p>(ii) Erosion and Sediment Control Plan</p>	
4	<p>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 DPI Water.</p>	
Reporting requirements		
5	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.</p>	
Disposal		
6	<p>The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.</p>	
Drainage and Stormwater		
7	<p>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 DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.</p>	
8	<p>The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.</p>	

Number	Condition	File No: 2015-0698
Erosion control		
9	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI 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.	
Excavation		
10	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
11	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

Attachment 2 – Consent Conditions Comparison Table

RESIDENTIAL SUBDIVISION (KNOWN AS TULLIMBAR)		
SECTION 96 DEVELOPMENT APPLICATION NO. 741/2002 (Part 9) – Approved 16 MARCH 2004		
CONDITIONS OF CONSENT UNDER Development Consent No. 741/2002 (Part 9)	RELEVANT TO DA647/2015	COMMENT/OUTCOME
AMENDED CONSENT RELATES TO: Amendments approved under DA No.741/2002(Part 9) are: <ul style="list-style-type: none"> Changes to Condition 82 and 85 to provide a dual lane bridge in lieu of a single lane bridge and deletion of the pedestrian bridge over the creek between street 4 and street 19. 		
Construction Certificate (Subdivision) & PCA Notification		
1. The person having the benefit of the development consent must for each stage: <ol style="list-style-type: none"> Obtain a construction certificate (subdivision) from Shellharbour City Council or an Accredited Certifier (S81A); and Appoint a Principal Certifying Authority (S81A) 	YES Draft Condition A1	Covered in draft Condition A1.
Legislation		
2. Modified – DA No.741/2002(Pt2), DA No.741/2002(Pt4), DA No.741/2002(Pt 7), DA No.741/2002 (Pt 8). <ol style="list-style-type: none"> The subdivision must be carried out in strict conformity with the plans, specifications and conditions approved by the Land & Environment Court. Plans and documents to this consent are: <ol style="list-style-type: none"> Tullimbah Village Development Application Layout Plan prepared by Ecologically Sustainable Design Pty Ltd and TTM Consulting Pty Ltd dated September 17, 2002. Tullimbah Village Hazelton Parkway Creek Rehabilitation for Miltonbrook prepared by Forbes Rigby Pty Ltd Project No. 98098 Drawing No's 2002 - 2012 Rev 2. Tullimbah Village Development Application Stage Plan (Development Consent No. 741/2002 (Pt 2). Plan of proposed Stage 1 and Sub-Staging Dwg No. 108935K Issue D, dated March 2005, prepared by GA Goodman Surveys Pty Ltd (Development Consent No. 741/2002 (Pt 4). Proposed Subdivision Plan by 'Landteam', Lot 7 & 8 in DP 1095930, Yellow Rock Road, Tullimbah (to be constructed in three phases or substages as shown on the plan). 	YES Draft Condition A3	Captured by draft Condition A3. Draft Condition A3 provides a full list of all new plans and reports submitted in support of the current proposal under DA647/2015.

<p>vi. Tullimbar Village Development Application, Northern Section Layout Plan by "Landteam" File Drawing No. 200/52-DA01, Issue A, May 2010.</p> <p>vii. Section 96AA Application for modification of development consent stamped DA No.741/2002 (Pt 8).</p> <p>And as modified by conditions of consent.</p>		
<p>3. This consent is a development consent under the provisions of the <i>Environmental Planning and Assessment Act, 1979, as amended</i>, and it will now be necessary to submit for each stage, the following:</p> <p>a. An application for a Construction Certificate (Subdivision).</p> <p>b. Four paper prints or copies of the relevant subdivision plan.</p> <p>c. Fees appropriate at the time of submission of the application.</p>	YES	For advice and not included in draft conditions. Intent captured by draft Conditions A1 and A2.
Final Plan		
<p>4. Prior to the release of the final plan of subdivision for each stage, it will be necessary to obtain a Subdivision Certificate. In this regard it will be necessary to submit the following:</p> <p>i. An application for a Subdivision Certificate.</p> <p>ii. A satisfactory final plan of subdivision, an electronic copy and six paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy must be in ISG coordinates and must be submitted in DXF, DWG or DGX format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan.</p> <p>iii. Fees appropriate at the time of subdivision of the application.</p>	<p>YES</p> <p>Draft Condition F1</p>	<p>Draft Condition F1 – the intent is the same. The wording of Draft Condition F1 – Final Plan of Subdivision is updated to reflect Council's current policy.</p> <p>Therefore, it is an improved outcome.</p>
<p>5. Electricity must be provided to all proposed lots. In this regard the developer must submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate applications.</p>	<p>YES</p> <p>Draft Condition F14</p>	<p>Draft Condition F14 – Utility Services – the intent is the same. The wording has changed to reflect Council's current policy.</p>
<p>6. Telephone service must be provided to all proposed lots. In this regard the developer must submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate applications.</p>		<p>Not picked up in the draft conditions. Now is not usually required as a condition of consent.</p>
<p>7. Lots affected by new or existing services must be burdened with easements and restrictions on the use of land to the satisfaction</p>	YES	May be covered by draft Condition F13. May need more detail in condition.

of the Principal Certifying Authority, Sydney Water and Integral Energy.	Draft Condition F13	
8. The developer must submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate applications.	N/A	Not a current requirement. Council's no longer asking for this information.
General		
<p>9. Consent for this development is conditional upon satisfactory arrangements with Sydney Water (Illawarra Branch) for the provision of adequate facilities for water supply and the removal or disposal of sewage.</p> <p>In this regard, a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained for each stage. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 132092.</p> <p>Following application, a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificates for each stage.</p>	<p>YES</p> <p>Draft Condition F2</p>	Wording has changed to reflect current policy but intent is captured in draft Condition F2 – Sydney Water Section 73 Compliance Certificate.
10. Deleted.		
11. Deleted.		
Engineering		
12. All lots must comply with the objectives of the Tullimbar Village Development Control Plan.	N/A	<p>It is considered that the current proposal complies with the objectives and advice in Appendix 13 Tullimbar Provisions of the SDCP as outlined in the submitted Statement of Environmental Effects (SEE) dated September 2015 and the Supplementary Reports provided to Council during the assessment of the DA.</p> <p>Council has assessed the subject DA against the SDCP and determined that it is compliant and therefore recommended approval.</p>

13. Road and drainage plans for the subdivision, prepared by a suitably qualified Engineer and in accordance with Council's construction Standards, must be submitted to the Principal Certifying Authority for approval with each Construction Certificate application. All road and drainage work must then be constructed in accordance with Council's construction Standards and approval at no cost to Council.	YES Draft Condition B5	Draft Condition B5 – Road Drainage Plans - the intent is the same. The wording of Draft Condition B5 is updated to reflect Council's current Subdivision Design Code policy. Therefore it is an improved outcome.
14. Engineering plan checking fees must be paid by the applicant prior to the release of the engineering plans. The fees payable must be that applicable at the time of engineering plan release.	N/A	This is now captured in the Construction Certificate fees.
15. Construction inspection fees must be paid by the applicant prior to the commencement of work in site. The fees payable must be that applicable at the time of commencement of work on site.	N/A	Shellharbour Council's current policy is to pay at Construction Certificate stage.
16. For each Stage of the development, a site meeting with Council's Engineer, the Department of Infrastructure, Planning and Natural Resources, the applicant and the contractor must be held not less than seven days prior to the commencement of work on site.	YES Draft Condition C3	Intent is captured in Draft Condition C3.
17. A set of Council endorsed engineering plans must be kept on site at all times during the construction phases.	YES Draft Condition D1	Captured in draft Condition D1.
18. The developer must maintain the road and drainage works for a defects liability period of six months from the date of registration of the individual Subdivision Certificates.	YES Draft Condition G2	Captured in draft Condition G2. Council's current policy is for a 12 month maintenance period which is a better outcome on the site.
Drainage		
19. Interallotment drainage must be provided to dispose of storm water from those allotments, which do not have fall to a public road.	YES Draft Condition B5	Captured in draft Condition B5. The wording of Draft Condition B5 is updated to reflect Council's current Subdivision Design Code policy. The proposal complies with Council's current policy and therefore it is an improved outcome on the site.
20. Stormwater drainage and interallotment drainage must 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. Any surface flow associated with the critical flood event with an average recurrence interval of 1 in 100 years over public land must remain on public land and not be allowed to cross privately owned land unless fully contained within a drainage easement.	YES Draft Conditions B5 & B9	This is covered by draft Conditions B5 and B9 Flood Analysis. The proposal complies with Council's Subdivision Design Code.
21. 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.	YES Draft Condition B4(a)	Completely captured by draft Condition B4(a).
22. Stormwater runoff from the subdivision shall be retarded to pre-developed levels for all flood events between the 20% and the 1% annual exceedance probability flood event. Alternatively, the	YES Draft Condition B9	Draft Condition B9 relates to this matter. The new proposal and therefore any new consent should refer to the overall drainage strategy developed for the

<p>applicant shall demonstrate that the development will not result in increased discharge or increased flood levels on upstream, adjacent or downstream properties including the Illawarra Highway.</p> <p>In this regard, the impact of filling on the site shall also be considered and remedial works undertaken to ensure that there is no net increase in flooding.</p>		<p>Tullimbar Village Precinct and detailed in previously approved plans and reports prepared by Forbes Rigby.</p> <p>The Hazelton Creek works are already constructed and the current proposal complies with those studies and approvals.</p>
<p>23. The developer must submit detailed creek works plans and landscape plans together with the flood study for Hazelton, Cooback and Digby Creek for the approval of Council, the Department of Infrastructure, Planning and Natural Resources and NSW Fisheries. These plans must be submitted with each Construction Certificate Application and must indicate how all creek channels will be treated to meet safety requirements and reduce the risk of scour and subsequently gully head erosion and bank undercutting. The creek works plan, landscape plan and flood study must take into account the ultimate development of the site and upstream areas and as a minimum must address the following:</p> <ol style="list-style-type: none"> The effect of the proposed development on downstream properties and proposed measures to ensure downstream properties are not subject to additional flooding as a result of the development. Proposed measures to stabilise any bank and bed scour in the existing stream. Proposed treatments to prevent further bank and bed scour in the existing stream resulting from urban development. How runoff will be retarded to pre-developed levels for all flood events between the 1 in 5 year ARI flood event and the 1 in 100 year ARI flood event. Flow velocities together with the extent of the area inundated by the 1 in 100 year ARI flood. How the 1 in 100 year ARI flood can be safely passed through the site both in the short and long term. Any staging of development required to satisfy flood detention requirements. Proposed measures to prevent accidental entry where batters or banks exceed a slope of 1 in 5 within the 1 in 100 year ARI flood line. 	<p>Partial relevance.</p> <p>Draft Condition B9(a) and (b)</p>	<p>Most of the works subject to this condition have been completed by Miltonbrook Development as part of the first development stages of the Tullimbar Village.</p> <p>The Hazelton Creek and Cooback Creek works are already constructed and not on the subject land.</p> <p>Any new works as part of the subject DA647/2015 will be in accordance with these works.</p> <p>Draft Condition B9(a) is the same as point “a”.</p> <p>Draft Condition B9(b) is the same as point “e”.</p> <p>Point “j” relates to the Digby Creek Gully and is relevant to the subject DA. The current proposal proposes a change to the treatment of the Digby Gully as outlined in the SEE and Supplementary Information provided in support of DA 647/2015. Therefore calls up the current DA Plan .</p> <p>Also refer to Supplementary Information Point 6 -attached to this Comparison Table.</p>

<p>i. Proposed measures to prevent litter from being washed into the watercourse from the proposed development.</p> <p>j. The detail design of Digby Creek upstream of street 8B must be generally in accordance with Option C of the Digby Creek Drainage Study by Forbes Rigby Pty Ltd date April 2000.</p> <p>The alignment and surface levels in Digby Creek must ensure that the large <i>Angophora floribunda</i> is not adversely affected.</p>		
23A. The engineering design for the stormwater management works north of the point of diversion of surface flows into Pond 1 must ensure that exchange of floodwaters between the channel or creek (and its associated floodway) and water treatment ponds Village Pond 1, Village Pond 2, Pond 1, Pond 2 Pond 3, Pond 4 and Pond 5 does not occur in events of greater frequency than the 1 in 5 year ARI flood.	NO	Not on subject land.
23B. The land within the sub-catchment at the north-eastern corner of the development site must be provided with stormwater management and treatment facilities to the satisfaction of the Department of Infrastructure, Planning and Natural Resources and Council.	NO	Not on subject land.
24. Prior to release of the relevant Subdivision Construction Certificates the applicant must demonstrate how the passive open space needs of the development will satisfy the provisions of Council's <i>Fifth Review Section 94 Contributions Management Plan (dated 6 December 2000), Appendix B: Open Space Standards – Parkland Location and Design Criteria</i> which includes, but is not limited to, that the land is above the 1 in 2 year flood level and has a maximum gradient of less than 15%.	YES Draft Condition B13	<p>This is for advice. Not specifically addressed in draft conditions.</p> <p>Captured by draft Condition B13.</p>
25. Deleted – DA No.741/2002 (Part 5)		
26. The applicant must establish a Technical Working Group comprising representatives from the applicant, Shellharbour City Council, Department of Infrastructure, Planning and Natural Resources and NSW Fisheries to oversee the design of the plans and studies required by Condition No.s 23, 23A and 23B.	NO	This condition was placed on Miltonbrook Development to oversee the substantial creek works required to complete the necessary flood mitigation works and establish the Hazelton Creek riparian corridor as part of the first stages of development of the Tullimbar Village precinct.
27. The impact of the Probable Maximum Flood (PMF) in relation to the performance of all bridging structures, overflow paths and its impact on filled areas and finished floor levels must be assessed. The objective of this assessment is to ensure that the impacts of the PMF are properly managed. Details to be submitted with the Subdivision Construction Certificate Application for Stage 2.	NO	This is already built and not relevant to the subject land.

28. A Flood Evacuation & Disaster Management Plan is to be prepared in accordance with the SES Flood Plan and the Shellharbour DISPLAN and must include impact considerations of the Detention Basins and Watercourse, including PMF. Details to be submitted with the Subdivision Construction Certificate Application for Stage 2.	NO	This condition is not specifically relevant to the subject land as it refers to Stage 2. However, draft Condition B9 covers the intent of the condition.
29. All allotments affected by 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 habitable rooms. All levels must be related to Australian Height Datum. At least 80% of each developable allotment must be constructed at or above the 1 in 100-year flood level. Consideration must be given to the impact of crossover flows on all structures and/or fill at the confluence of Hazelton and Cooback Creeks for all storm events up to and including the PMF, specifically the residential lots bound by Street 14 and Street 10.	YES Draft Condition B9	This condition is not specifically relevant to the subject land. Draft Condition B9 covers the intent of the condition.
30. All dams must be dewatered, desilted and backfilled prior to the release of the Subdivision Certificate for that stage of the development. This filling should be performed subject to Level 1 Geotechnical control in accordance with AS 3798-1990 or subsequent amendments.	YES Draft Condition D12	Captured by draft Condition D12.
31. All concrete 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".	YES Draft Condition B5	Captured in draft Condition B5. The wording of Draft Condition B5 is updated to reflect Council's current Subdivision Design Code policy. The proposal complies with Council's current policy and therefore it is an improved outcome on the site.
32. All concrete 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 Council prior to the release of the relevant Subdivision Certificate or placement of final seal on roads, whichever occurs earlier. Damaged pipes must either be replaced or repaired to Council's satisfaction prior to the release of the Subdivision Certificate for each stage.	YES Draft Condition F6	Captured by draft Condition F6.
Illawarra Highway Intersection Works		
33. Modified - DA No.741/2002 (Pt 2) The intersection of Street 1 and the Illawarra Highway must be designed to the satisfaction of Council and in accordance with the Roads & Traffic Authority Guidelines. The intersection must be constructed to incorporate a single circulating lane roundabout. Cycle Facilities must be provided through the roundabout to the	NO	This work is already completed. No further works are required as a result of the subject DA. Not on subject land.

<p>satisfaction of the RTA. The redesign to incorporate this facility could require adjustment to the main road boundary, as at least 2.0m of level surface will be required behind the kerb. Detailed Engineering Plans, including pavement and drainage design, at a scale of 1:200 must be submitted for assessment by Council, with concurrence of the Roads & Traffic Authority, prior to the applicant requesting a Section 138 Consent Form to undertake road works within the main road reserve. The intersection must be fully constructed as part of Stage 1 of this application, as identified in Council's Section 94 Contributions Management Plan, with the developer to be reimbursed from Section 94 funds as they are collected from residential development within Benefit Area 9: Western Valley Facilities.</p>		
<p>34. The intersections of Street 12 and the Illawarra Highway must be designed to the satisfaction of Council and in accordance with the Roads & Traffic Authority guidelines. This intersection must be fully constructed as part of this application. Detailed engineering plans, including pavement and drainage designs, at a scale of 1:200, must be submitted for assessment by Council, with the concurrence of the Roads & Traffic Authority, prior to the applicant requesting a Section 138 Consent Form to undertake road works within the main road reserve. This condition is imposed under Section 80A(1)(f) of <i>the Environmental Planning & Assessment Act, 1979, as amended</i>, as a consequence of traffic likely to be generated by this proposal.</p>	<p>NO</p>	<p>Works already under construction by Miltonbrook Development. No further works are required as a result of the subject DA.</p> <p>Not on subject land.</p>
<p>35. Modified - DA No. 741/2002 (Pt 2)</p> <p>The intersection of Tongarra Road with Church Street must be designed to the satisfaction of Council and in accordance with Roads & Traffic Authority guidelines. The intersection must be a roundabout and must be fully constructed as part of Stage 3 of this application. Detailed engineering plans, including pavement and drainage designs, at a scale of 1:200, must be submitted for assessment by Council, with the concurrence of the Roads & Traffic Authority, prior to the applicant requesting a Section 138 Consent Form to undertake road works within the main road reserve. The intersection must be fully constructed as part of this application, as identified in Council's Section 94 Contributions Management Plan, with the developer to be reimbursed from Section 94 funds as they are collected from residential development within Precinct 7.</p>	<p>YES</p> <p>Draft Condition F19</p>	<p>Issue dealt with via DA741/2002 (10) amendment.</p>
<p>35A. Modified - DA No. 741/2002 (Pt 2)</p>	<p>YES</p>	<p>Issue dealt with via DA741/2002 (10) amendment.</p>

<p>The intersection of Sophia Street with Church Street must be designed to the satisfaction of Council and in accordance with Roads & Traffic Authority Guidelines. The intersection must be a roundabout and must be fully constructed as part of Stage 3 of this application. Detailed engineering plans, including pavement and drainage designs, at a scale of 1:200, must be submitted for assessment by Council, with the concurrence of the Roads & Traffic Authority, prior to the applicant requesting a Section 138 Consent Form to undertake road works within the main road reserve. The intersection must be fully constructed as part of this application, as identified in Council's Section 94 Contributions Management Plan, with the developer to be reimbursed from Section 94 funds as they are collected from residential development within Benefit Area 9: Western Valley Facilities.</p>		
<p>36. A detailed Landscape Concept Plan must be lodged concurrently with the engineering plans for the intersections of Street 12 and the Illawarra Highway. The Landscape Plan must be submitted for assessment by Council, with the concurrence of the Roads & Traffic Authority and incorporate the following amendments:</p> <ul style="list-style-type: none"> a. Road shoulder along the Illawarra Highway SH25 must be allocated a minimum 20m width. b. A minimum verge width of 2m should be provided in accordance with the Authority's Road Design Guide, Table 3.6.1 c. A 5.0m wide clear zone is required on the Illawarra Highway, along the whole length of the subject property boundary. Any vegetation that is proposed for this area must be frangible. 	<p>NO</p>	<p>This condition relates to the Miltonbrook development and is not on the subject land.</p>
<p>Road Standards</p>		
<p>37. All roads and road intersections within the development must have sight distance provided in accordance with AUSTROADS requirements.</p>	<p>YES - Draft Condition B4(c)</p>	<p>Captured by draft Condition B4(c)</p>
<p>38. The geometric design of all streets, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit:</p> <ul style="list-style-type: none"> a. a 11.0m single unit truck on all streets b. a 12.5m single unit truck and 19.0m semi-trailer on streets 1, 2, 3 (between streets 2 and 27), 3B, 3C, 3D, 3E. c. a 12.5m single unit truck and 17.0m semi-trailer on streets 8, 8A, 8B, 16, 16B, 17 and 28. <p>To enter and leave each street travelling in a forward direction in accordance with AS 2890.2 – 2002.</p>	<p>YES</p> <p>Draft Conditions B4(d) &(e)</p>	<p>Captured by draft Conditions B4(d) &(e) in line with Council's current Subdivision Design Policy.</p>

The swept vehicular maneuvering path for design vehicle must be submitted in support of the proposed intersection works and must comply with the above requirements. Evidence that this requirement has been met shall form a part of each Construction Certificate application.		
39. Street 1 must maintain a carriageway width of 10.0m and variable within a minimum 18.0m road reserve. Where it is proposed to construct tree surrounds within the carriageway, the surround must not encroach further than 2.0m from the face of kerb into the road.	NO	Relates to Broughton St in the existing Tullimbar Village which is already constructed and not on the subject land.
40. Street 2 must maintain a carriageway width of 10.0m and variable within a minimum 18.0m road reserve. Where it is proposed to construct tree surrounds within carriageway, the surround must not encroach further than 2.0m from the face of kerb into the road.	NO	Covered in Modified Development Consent 741/2002 (Pt 10) as it relates to Berrima Street in Stage 1 of The Proponent Homes residential subdivision.
41. Street 3 and Street 3A must maintain a <i>One-Way</i> carriageway width of 5.5m and variable. Parking is only permitted on the one side of the travel lane. The minimum verge width on both sides is to be 4.0m. Final road reserve width must be approved by Council prior to the release of the Construction Certificate. Street 3B, 3C and 3D must maintain a carriageway width of 10.0m and variable within a minimum 18.0m road reserve. Where it is proposed to construct tree surrounds within the carriageway, the surround must not encroach further than 2.0m from the face of kerb into the road. Street 3E must maintain a carriageway width of 8.0m with a minimum verge width of 4.0m on the residential/commercial side. Final road reserve width must be approved by Council prior to the release of the Construction Certificate.	NO	Not on subject land and does not relate to current DA.
42. Street 4 must generally maintain a carriageway width of 5.5m. Street 4B must maintain a carriageway width of 10.0m. A minimum verge width of 4.0m is to be provided on the residential side of both roads. The final road reserve widths must be approved by Council prior to the release of the Construction Certificate.	NO	Not on subject land and does not relate to current DA.
43. The carriageway of Street 5 must maintain a width of 7.2m with a minimum verge width of 4.0m on the residential side. Final road reserve width must be approved by Council prior to the release of the Construction Certificate.	NO	Not on subject land and does not relate to current DA.
44. Street 14 (between Lots 5002 to 5032) must maintain a carriageway width of 7.2m with a minimum verge width of 4.0m on the residential side. Final road reserve width must be	NO	This section of Street 14 is not in the current DA 647/2015.

approved by Council prior to the release of the Construction Certificate.		
45. a. Streets 8A, 10 and 63A must maintain a carriageway width of 5.5m within a minimum 14.0m road reserve. b. Streets 8B, 13, 19, 20, 21, 24, 25, 26, 32, 34, 35, 36 and 37 must maintain a carriageway width of 7.2m width within a minimum 15.5m road reserve.	Partial relevance Draft Condition B5	The current design has eliminated these roads. The new street design is in accordance with Council's Subdivision Design Code under advice of Council's Engineers and captured in draft Condition B5.
46. a. Streets 27, 28 and 29 must maintain a carriageway width of 7.2m within a minimum 15.5m road reserve. Modified DA No.741/2002 (Pt3) – b. Streets 14 (between Lots 826 and 834) and 16B must maintain a carriageway width of 10.0m within a minimum 18.0m road reserve. Street 17 must maintain a minimum unobstructed carriageway width of 6m within a minimum 18m road reserve. Street 17A must maintain a minimum unobstructed carriageway width of 6m with provision for parallel and angle parking within a minimum 18m road reserve.	YES Draft Condition B5	Where relevant the street design is in accordance with Council's Subdivision Design Code under advice of Council's Engineers and captured in draft Condition B5.
47. Streets 7A, 14 (between Lots 4085 and 5032), 16, 16A, 22, 23, 30, 31, 33 and 63 must maintain a carriageway width of 7.2m within a minimum 15.5m road reserve.	YES Draft Condition B5	Where relevant the street design is in accordance with Council's Subdivision Design Code under advice of Council's Engineers and captured in draft Condition B5.
48. Deleted.		
49. Street 8 must maintain a carriageway width of 7.2m within a minimum 15.5m road reserve.	YES Draft Condition B5	The street design is in accordance with Council's Subdivision Design Code under advice of Council's Engineers and captured in draft Condition B5.
50. Street 12 (part of the Illawarra Highway Intersection works) must be a one-way street with parking restricted adjacent to the residential side of the road with a 5.5m minimum carriageway width.	NO	Not on subject land. Within the Miltonbrook development.
51. Street 62 provides for on street 60-degree angle parking on one side of the road and parallel parking on the opposite side to give a total pavement width of 15.2m. Line marking must be provided for the parking bays, edge line adjacent to the parking bays and centre line. The total road reserve width must be a minimum 19.2m.	NO	Not on subject land.
52. All proposed 'off centre' intersections, as noted below, must be designed such that the weaving movement of any vehicles will cater for a design speed of 20km/hr. Evidence that this requirement has been met must form a part of each Construction	NO	This condition is made irrelevant by the design in the current DA which has removed all "off- centre" intersections.

Certificate application. The 'off centre' intersections include Street 1/Street 19, Street 13/Street 1, Street 13/Street 21, Street 19/Street 20, Street 24/Street 8, Street 28/Street 3(B and C), Street 28/Street 8B, Street 32/ Street 34, Street 37/Street 33/ Street 34, Street 33/Street 4, Street 3/Street 13, Street 8/Street 2, Street 4/Street 32.		This is a better design outcome resulting in better traffic management, better pedestrian safety and complies with Council's current Subdivision Design Code policy.
53. The following streets are recognised as having the need for enhanced delineation (only around their corners): <ul style="list-style-type: none"> Street 12 and 14 (double barrier lines, raised pavement markers and street lighting). Details of the redesign shall be submitted to Council for approval prior to the release of the Construction Certificate. 	NO	This condition is made irrelevant by the current design.
54. Modified DA No. 741/2002 (Pt 2) Bus shelters must be provided (on both sides of the road if the bus route is two-way at that location) at the three locations shown on the Plan identified in Condition No. 2(b)(i). In addition, bus stops and bus shelters must be provided within Street Nos. 3B and 4B (on each side of the road). Details of the proposed shelters and their nominated locations, with the exception of bus shelters on Street 1 in the future town centre, shall be submitted to Council for approval prior to the release of the Construction Certificate. Details of associated pedestrian safety facilities that may be required to facilitate the safe movement of pedestrians shall be submitted in support of the shelter locations. In this regard, conceptual plans of bus shelters must be included in the Village centre DCP and detailed designs must be provided for approval at the time of submission of Development Applications for adjacent buildings.	NO	Not on the subject land. Relates to the perimeter of the Town Centre on Miltonbrooks land.
55. Street 12 (fronting Public Open Space Lots) must maintain a carriageway width of 5.5m. A minimum verge width of 4.0m is to be provided on the residential side of both roads. The final road reserve widths must be approved by Council prior to the release of the Construction Certificate.	NO	Off site. Not on subject land.
56. Street 22A must maintain a two by 'One Way' carriageway width of 5.5m with a minimum verge width of 4.0m on the residential side with parking adjacent to the residential side of the road. Final road reserve width must be approved by Council prior to the release of the Construction Certificate.	NO	Off site. Not on subject land.
57. Deleted.		
58. Modified DA No.741/2002 (Pt 2)	YES	Covered in Condition 178 of Modified Development Consent 741/2002 (Pt 10) as it relates to Stage 1 of The proponent Homes residential subdivision.

The proposed intersection of Street 2 and Sophia Street must be redesigned with a roundabout facility (the speed control device immediately west can therefore be deleted). The intersection must be fully constructed as part of Stage 3. Detailed engineering plans, including pavement and drainage designs, at a scale of 1:200, must be submitted for assessment for approval by Council prior to the release of the relevant Construction Certificate.		
59. All laneways must generally maintain a minimum reservation width of 6.4m where access to a garage is required. A reduction in width of the laneway to 5m will be considered adjacent to the dwellings at the connection of the laneway to the public road provided no garage access is located adjacent to the narrowing.	NO	Not relevant to the current proposal as it contains no rear loaded lots.
60. All intersections of laneways and car court access driveways with the public road must be constructed in the form of a standard vehicular layback and footpath crossing must be finished with a slip resistant coating. This work must be carried out by Council, or a Council approved contractor, at the developers expense.	NO	Not relevant to the current proposal as it contains no rear loaded lots.
61. Deleted.		
62. Upright, mountable, semi-mountable and flush kerbs must be provided throughout the subdivision generally as detailed in the Tullimbar Village DCP. No objection is raised to the use of barrier kerb throughout if desired.	YES Draft Condition B5	Captured in draft Condition B5. The wording of Draft Condition B5 is updated to reflect Council's current Subdivision Design Code policy.
63. Kerb returns at intersections must be constructed with a radius of not less than 5.0m unless design vehicle indicates otherwise.	YES Draft Condition B5	Captured in draft Condition B5. The wording of Draft Condition B5 is updated to reflect Council's current Subdivision Design Code policy.
64. 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 <i>"Into a New Age of Pavement Design"</i> and AUSTROADS <i>"A guide to the Structural Design of Road Pavements"</i> , based on test results undertaken by a NATA registered laboratory. The pavement design must be submitted to Council for approval prior to the release of the engineering plans.	YES Draft Condition B4(b)	Intent is captured by draft Condition B4(b) and reflects current policy.
65. Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.	YES Draft Condition D7	Covered by draft Condition D7 and Council's current Subdivision Design Code.
66. Benkelman beam testing on all new internal subdivision roads must be performed in a manner satisfactory to Council prior to the release of individual Subdivision Certificates. Council's acceptance criterion is based on the tolerable deflections given in Figure 29 of ARRB Special Report No 41 <i>"Into a New Age of Pavement Design"</i> and AUSTROADS <i>"A Guide to the Structural Design of Road Pavement"</i> .	YES Draft Condition F5	Covered by draft Condition F5 and Council's current Subdivision Design Code.

67. 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.	YES Draft Condition B5	Covered by draft Condition B5 and Council's current Subdivision Design Code.
68. Disabled access ramps must be provided for all intersections of the pathways with a public road in accordance with AS 1428.1-1995 as amended from time to time. The location of the disabled access ramps and the crossing point must be reviewed at the engineering design stage to take into consideration pedestrian and cyclist desire lines and in particular sight distance requirements. Wherever possible, the crossing point should be as close as possible to the kerb return tangent points.	YES Draft Condition B6	Covered by draft Condition B6 – Pram Ramps and the current Australian Standard AS 1428.1 2009.
69. Services 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 crossing must be under bored.	YES Draft Condition F12	Captured by draft Condition F12.
70. Vehicle laybacks must be provided for all residential lots fronting upright kerb and gutter, where access to the lot is not provided via a laneway, car court or battle axe handle, 1.2m layback wings must be provided. The layback location for those lots subject to Building Access Guidelines must be constructed in the locations nominated.	YES Draft Condition B5	Covered by draft Condition B5 and Council's current Subdivision Design Code.
71. All thresholds / traffic calming must be designed in accordance with appropriate standards and guidelines, taking into account the requirements set by <i>RTA Technical Direction 2001-04</i> .	YES Draft Condition B5	Covered by draft Condition B5 and Council's current Subdivision Design Code.
72. With each stage, sign and where applicable, a line marking diagram must be submitted to the Local Traffic Committee for its approval, prior to the release of the Subdivision Certificate.	YES Draft Condition D14	Captured by draft Condition D12
73. Work must not be carried out within any existing Public Road Reserve unless a Road Opening Permit under the <i>Roads Act 1993</i> , has been issued by Council for every opening of the public reserve. An application fee will apply in accordance with Council's Revenue Policy.	YES Draft Condition C8	Covered by draft Condition C8 and Council's current Policy.
74. Prior to the commencement of any works external to the boundary of the site, the applicant must apply to Council for a Section 138 Consent, under the <i>Roads Act 1993</i> . Detailed plans of all proposed works must be supplied along with a Traffic Management Plan.	YES Draft Condition C8	Covered by draft Condition C8 and Council's current Policy.
75. Before the commencement of work or the issue of a construction certificate, the owner or contractor must provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within	YES Draft Condition C9	Covered by draft Condition C9 and Council's current Policy of a minimum cover of \$20 million.

Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.		
Unnamed Road between Yellow Rock Road and Noble Road		
76. Modified DA No.741/2002 (Pt 2) The unnamed Road 10.06m wide between Yellow Rock Road and Noble Road must be formally closed simultaneously with the opening of the proposed roads within each affected stage of the subdivision with the exception of the proposed school site (Lot 863) and proposed open Space Lot 284. The closure must extend only as far as the eastern boundary of Lot 1 in DP 570091. There must be no discontinuity of access to any properties gaining legal access via this road.	NO	Not on subject land. Off site.
77. The reserved road 10.06m wide extending between the unnamed Road 10.06m wide and the southern boundary of Lot 1 in DP 570091 must be expunged simultaneously with the opening of the proposed roads within each affected stage of the subdivision. There must be no discontinuity of access to any properties gaining legal access via this road.	NO	Not on subject land. Off site.
Yellow Rock Road		
78. Modified DA No.741/2002 (Pt 2) Prior to the commencement of Stages 4, 6 & 7 (being those lots generally west of and including Street 4), the applicant must submit to Council, detailed survey plans of the Yellow Rock Road reserve. This must include the location of the existing pavement within the reserve, to determine the adequacy of the lots proposed to front Yellow Rock Road and any potential road closure that may be required where the proposed lots are to encroach within the road reserve.	NO	Not on subject land. Off site.
79. Details must be submitted of the proposed staging of works to allow the physical closure of the intersection of Yellow Rock Road and its connection through the Village via Street 5. The details must also include the proposed end treatment for the closed portion of Yellow Rock Road. The cost of the end treatment works and the connection of Yellow Rock Road through to Street 5 must be borne by the developer.	NO	Not on subject land. Off site.
80. Appropriate kerb, gutter and drainage treatment works must be constructed along the eastern side of Yellow Rock Road to serve the proposed lots at full cost to the developer. The existing pavement width of 6.2m is considered adequate.	NO	Not on subject land. Off site.
Cooback Road		
81. Deleted Condition – DA No.741/2002 (Pt 8)		

Hazelton & Cooback Creek access bridges		
<p>82. Amended Condition – DA No. 741/2002 (Pt 9)</p> <ul style="list-style-type: none"> a. The access bridge on Street 14 must be designed to provide for a one lane 3.5m carriageway. A dedicated passing bay shall be provided either side of the bridge with appropriate signposting and line marking. b. The access bridge on Street 1 and Street 5 / Street 14 must be designed to provide for a two lane 6.0m carriageway. The width of the pathway must be a minimum of 1.2m. c. The access bridge on Street 7/Street 33 must be designed as a two lane 5.5m carriageway. The width of footway must be a minimum of 1.2m. <p>The access bridges described in condition 82(a), 82(b) and 82(c) must be constructed "flood free" with a minimum 300mm of freeboard between the flood surface and the underside of the bridge deck (for all storm events up to and including the 1 in 100-year event). The bridges must be able to withstand the impact of an extreme flood event (PMF).</p>	NO	Not on subject land. Off site
Digby Creek Access Bridges		
<p>83. Digby Creek Crossing (Street 14 and Street 63) must be designed to allow for a 3.5m carriageway. A dedicated passing bay shall be provided either side of the bridge with appropriate sign posting and line marking. The off centre nature of the bridge must be redesigned. The width of the pathway must be a minimum of 1.2m.</p> <p>The access bridge must be constructed "flood free" with a minimum 300mm of freeboard between the flood surface and the lowest point of the underside of the bridge deck (for all storm events up to and including the 1 in 100 year event). The bridge must be able to withstand the impact of an extreme flood event (PMF).</p> <p>Detailed plans must be submitted with the Construction Certificate of the proposed bridge. The details must include physical measures to contain vehicles within the trafficable deck such as kerb and gutter and/or guide posts. Similar measures such as a handrail may need to be considered for the pedestrian pathway. Additionally, the plans must include all proposed signposting and linemarking to be used for the formal approval of Council.</p>	NO	<p>No longer relevant due to design changes in current proposal under DA647/2015 which proposes the removal of the Digby Creek Gully.</p> <p>This condition needs to be" switched off ".</p>
Footpaths and Cycleway		

<p>84. The developer must submit a footpath/ cycleway plan for each stage of the development, for the Principal Certifying Authority's approval, in conjunction with the Construction Certificate. Footpaths/ cycleways must be constructed in accordance with the approved plan at no cost to Council. Details to indicate the method of treatment to permit cyclists to cross roads/intersections needs to be submitted with the Construction Certificate. As a minimum, the applicant must construct a 1.2m wide concrete footpath within all roads generally as indicated on the Tullimbah Village Development Application Layout Plan dated September 17, 2002. Details of the footpath/cycleway network also incorporated in the proposed public reserves must be submitted to Council with the relevant Construction Certificate Applications for approval.</p>	<p>YES</p>	<p>The proposed subdivision design does provide an extensive footpath network and bus route thus supporting pedestrian activity and public transport. However, the design does not include cycleway paths for the following reasons:</p> <ul style="list-style-type: none"> (i) The roads within the proposed subdivision are designed for low speeds enabling the roads to be shared safely with cyclists, therefore, there is no need to provide additional facilities. (ii) Council's Pedestrian and Cyclist Master Plan does not include the Western Valley area of Tullimbar. (iii) As there are no cycleway facilities outside the subject land in the adjoining Regal Heights area or in the Tullimbar Village being developed by Miltonbrook Development (Fountaindale) to join into, there is no point in providing additional facilities in an isolated area on the subject land. <p>Therefore, a shared pedestrian-cycle path is not proposed as part of the development as there is no network to link into and increasing the widths of the proposed footpaths to create shareways would negatively impact the landscape design and amenity of the proposed streetscapes</p> <p>This is a variation to the existing consent but the precedent has been set in the adjoining Tullimbar Village developed by Miltonbrook so it is considered an equal outcome to the stages of the Development Consent No. 741/2002 that have already been constructed.</p> <p>A Pathway Plan has already been provided as part of DA647/2015. Therefore, the condition can remain.</p>
<p>85. Amended Condition – DA No.741/2002 (Pt 9)</p> <p>The proposed pedestrian bridges linking Street 4 to Street 1 must be constructed to be above the 1 in 2 year ARI flood event and must be able to withstand the impact of the extreme flood event (PMF).The design of the footbridges must comply with AUSTRROADS Bridge Design Specification and Australian Standards and must be certified by a Chartered Professional Engineer. Where the height of the creek crossing structure exceeds 600mm, the structure must be fitted with handrails. The approach to the creek crossing must also be sign posted to warn of potential floodwaters inundating the crossing. Details of the</p>	<p>NO</p>	<p>Not on subject land. Off site</p>

crossing and certification must be submitted with the Construction Certificate Application.		
Geotechnical		
<p>86. A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate Application for each stage. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:</p> <ul style="list-style-type: none"> a. Certification of compaction densities and the stability of all filling. b. The classification of each lot in accordance with the <i>Australian Standard 2870-Residential Slabs and Footings</i>. c. The classification of each lot in relation to risk of slope instability. d. The required site preparation and construction constraints within the building envelope of each lot appropriate to the assessed risk of slope instability. e. All lot and site filling must be performed under Level 1 Geotechnical supervision in accordance with AS 3798-1990. <p>Where Class P conditions are acknowledged, site filling of these areas must be undertaken under reduced (level 2) controls.</p>	<p>YES</p> <p>Draft Condition B1</p> <p>Draft Condition D8</p> <p>Draft Condition F8 relates to point "e"</p>	<p>Covered by draft Conditions B1, D8 and F8 and Council's current Policy.</p>
Sediment Control & Water Quality Control		
<p>87. 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 site is at least as good as the water quality from the site prior to development.</p>	<p>YES</p> <p>Draft Condition B2</p>	<p>Intent is captured by draft Condition B2. The wording has changed to reflect Council's current policy.</p>
<p>88. The developer must submit a "Soil & Water Management Plan" for each stage of the proposed subdivision, which has been endorsed by the Catchment Manager, Wollongong, Department of Infrastructure and Planning & Natural Resources and the Environment Protection Authority. The plans must generally be prepared in accordance with the Department of Housing's publication "<i>Managing Urban Stormwater – Soils and Construction (1998)</i>" and the former Department of CALM's publication "<i>Urban Erosion and Sediment Control</i>". A copy of the Soil & Water Management Plan, endorsed by the Catchment Manager, Wollongong DLWC, must be lodged prior to the release of the Construction Certificate for each stage. The Soil &</p>	<p>YES</p> <p>Draft Condition B2</p>	<p>Captured by draft Condition B2. The wording has changed to reflect Council's current policy.</p>

<p>Water Management Plan must be prepared in consultation with an appropriately qualified Civil and Geotechnical Engineer, appropriately qualified Civil and Geotechnical Engineer, appropriately qualified environmental scientist, and must include:</p> <ul style="list-style-type: none"> a. A programme for the progressive stabilisation of the site. The plan must minimise the areas of soils exposed at any one time. Details of the sequence of the proposed works shall be submitted in the support. b. A programme for the treatment/ flocculation of sediment ponds including time frames, proposed chemical dosage (if required) and the expected mg/L of sediment generated. Details of the ongoing maintenance and management of the sedimentation basin. c. Specific measures to control dust generated as a result of construction activities on site. d. Onsite safety considerations. 		
<p>89. The developer must lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved Soil & Water Management Plans. This bond must be in the form of an irrevocable bank guarantee made out in favour of Council, and must operate as follows:</p> <ul style="list-style-type: none"> a. The bond must be submitted to Council prior to the release of the Construction Certificate for the subdivision. b. The bond must be held by Council until the expiration of the six months' maintenance period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads. c. Should Council advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work must be substantially commenced within 48hrs from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee. 	<p>YES</p> <p>Draft Condition B3</p>	<p>Captured by draft Condition B3. The wording has changed to reflect Council's current policy.</p>
<p>90. 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:</p>	<p>YES</p> <p>Draft Condition B2 and D4.</p>	<p>Captured by draft Condition B2 and D4. The wording has changed to reflect Council's current policy.</p>

<ul style="list-style-type: none"> a. Treat not less than 95% of the catchment for the design stormwater discharge, which represents 35% 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. 		
91. Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.	YES Draft Condition B2(h)	Covered in draft Condition B2(h).
92. Copies of all Part 3A Permits obtained from the Department of Infrastructure, Planning & Natural Resources under the <i>Rivers & Foreshores Improvement Act</i> must be made available to the Principal Certifying Authority prior to the release of the construction certificate for each stage.	YES Draft Condition A6	Captured by draft Condition A6 and updated to comply with NSW DPI –Water current policy and legislation.
92A. The developer must maintain the water quality control ponds until such time as 80% of all proposed allotments, not including super-lots, have dwellings erected upon them.	YES Draft Condition D4.	Not specifically included in draft conditions but covered by draft Condition D4.
93. The developer must give Council a written undertaking that the developer will advise all prospective purchasers that subject to any necessary Ministerial Consent, Council intends to impose a special rate to cover the cost of maintaining water pollution control facilities. Evidence of the undertaking must be submitted to the Principal Certifying Authority with the Subdivision Certificate Application for each stage.	NO	Not included in draft conditions.
94. The applicant must ensure that no lot is affected by existing septic soak-away system or other onsite sewage disposal system. In this regard the applicant must remove contaminated soil from any affected lots. Contaminated soil must be replaced with suitable clean fill placed to Level 1 geotechnical control. Details of contaminated soils, location, method of excavation and disposal must be provided with the construction certificate application. Recommendation on soil contamination to be provided by an appropriately qualified environmental consultant.	NO Draft Conditions C2 and F4	<p>The subject land is not affected by septic soak-away systems or onsite sewage disposal.</p> <p>Other potential soil contamination issues are covered by draft Conditions C2 and F4.</p>
Noise Exposure		
95. The developer must submit an acoustic assessment and design report, prepared by a suitably qualified acoustic consultant. The	NO	Not on subject land. Off site.

Noise Impact Report should include an implementation staging plan, all necessary details as required by the environmental criteria for <i>Road Traffic Noise, EPA 1999</i> as amended from time to time and <i>Australian Standard 3671-1989</i> . This report must be submitted to the Principal Certifying Authority for approval with the Stage 2 Construction Certificate Application.		
96. All sound barriers must be designed by a suitably qualified Engineer and certified to be satisfactory for the expected loadings, including wind loading, in accordance with <i>Australian Standards AS 1170-2002</i> as amended from time to time.	NO	Not on subject land. Off site.
96A. All sound barriers must be constructed by the developer at the developer's cost in accordance with the plans certified under Condition No. 96. The sound barrier must be constructed in accordance with the Staging Plan in the Noise Impact Report referred to in condition No 95.	NO	Not on subject land. Off site.
Public Reserves		
97. All Public Reserve areas must be planted with trees and shrubs to Council's satisfaction and at the applicant's cost. In this regard the applicant must submit a detailed landscape plan and specifications for each Public Reserve to Council for approval. Landscaping is to be completed to Council's satisfaction prior to the release of the Subdivision Certificate for each stage of the development. Landscaping must be maintained for six months. The landscaping plans and the civil design plans must be designed and assessed concurrently and neither must be approved in isolation.	YES Draft Condition B13 and F16	Captured by draft Condition B13 and F16 and modified to reflect Council's current policy and <i>Council's Section 94 Contributions Plan 2013</i> .
98. No trees shall be removed from the site without specific Council consent. In this regard consent will only be granted at this stage for removal of trees for road construction and proposed creek works.	YES Draft Condition D6	Captured by draft Condition D6.
99. All allotments adjoining public reserves or the school site must be fenced by the developer prior to the release of the relevant Subdivision Certificate. The developer must submit details of proposed materials and fencing designs with the relevant Construction Certificate application for approval by Council.	YES Draft Condition B13	No specific reference to fencing of public open space but may be covered by draft Condition B13(a) as it refers to Council's <i>Open Space, Recreation and Community Facilities Needs Study</i> .
100. All areas to be dedicated as public reserve must be cleared of noxious weeds prior to dedication.	YES Draft Condition B13	Captured by draft Condition B13 and modified to reflect Council's current policy and <i>Council's Section 94 Contributions Plan 2013</i> .
101. All roads, pathways and proposed public reserve – Lots 281-285, 144, 249, 864, 4121, 4123-4125 and 4097 are to be dedicated to Council at the time of registration of the Subdivision Certificate for each stage. In addition the two proposed open space areas nominated within the road reserve of Street 34 must	YES Draft Condition B13 and F5	Covered by draft Conditions B13 and F5 where relevant.

be dedicated as public reserves and created as separate allotments, rather than an extension of the road reserves.		
102. Survey control permanent marks must be installed in all new roads by a registered surveyor, levelled to Australian Height Datum and connected to the nearest allotment corner. The number of controls marks must be at least 2 per sheet of subdivision plan. A letter must also be submitted in conjunction with any final of subdivision specifying the AHD level of all permanent marks that have been placed or found.	YES Draft Condition B5	Not specifically included in draft conditions but covered by compliance with Council's Subdivision Design Code under draft Condition B5.
103. Interallotment drainage easements and easements for services, 1.0m (minimum) wide, must be created over all interallotment drainage pipelines and services and must be reflected on the 88B Instrument. Favourable consideration will be given by Council to remove this easement if services and drainage are mutually exclusive.	YES Draft Condition B5	Not specifically included in draft conditions but covered by compliance with Council's Subdivision Design Code under draft Condition B5.
104. Drainage easements, not less than 3m wide, must be created over all drainage pipelines other than interallotment drainage and must be reflected on the 88B Instrument.	YES Draft Condition B15	Covered by draft Condition B15.
105. Corner lots must have splay corners where a severe topographical site line constraint is identified following detailed engineering design. The splay dimension must be determined in accordance with <i>AUSTROADS Part V (Sight Distance)</i> requirements for the relevant condition.	YES Draft Condition B5	Not specifically included in draft conditions but covered by compliance with Council's Subdivision Design Code under draft Condition B5.
106. A Work as Executed Plan must be submitted to the Principal Certifying Authority by a Registered Surveyor, with the Subdivision Certificate application for each stage. As a minimum, the plan must show: <ul style="list-style-type: none"> 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. The volume of water quality control plans f. Batter slopes within dual use open space drainage reserves g. Approved road names h. Certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement. 	YES Draft Conditions F10 and F15.	Covered by draft Condition F10. Point "g" regarding road names covered by draft Condition F15.
107. A restriction must be placed on the 88B Instrument creating a reciprocal Right of Carriageway over the access handles of all proposed Car Court lots.	NO	Not relevant to the current proposal as it contains no rear loaded lots.
108. A restriction must be placed on the 88B Instrument creating a drainage easement, 3m (minimum) wide, over the proposed 3.0m	NO	Not on the subject land.

wide shared driveway between Lots 215-216 & 223-224, should this driveway be used to convey Council stormwater pipeline. The design must ensure there are no trapped low points or re-direction of water flow.		
Street Trees/ Landscaping		
109. Details of the trees proposed for public reserves and streets (including rear lanes) must be shown on the Landscape Plan required to be submitted as outlined in Condition No. 97.	YES Draft Condition B14	Captured by draft Condition B14 and modified to reflect current design.
110. Prior to completion of the final landscape design for each stage, the concept details for the land covered by this development application must be submitted and approved by Council.	YES Draft Condition B14	Captured by draft Condition B14 and modified to reflect current design.
111. A meeting between the developer, landscape consultant and Council's Landscape Technical Officer must be held prior to the completion of the concept details to resolve landscaping requirements for each stage of the development.	YES Draft Condition B14	Captured by draft Condition B14 and modified to reflect current design.
TOWN PLANNING		
Lot Layout		
112. Lots 4052 to 4057, 4073 to 4076, 4098, 5020 to 5023 and 4108 to 4111, must be recast if the detailed design for the treatment of Digby Creek within proposed lots 4121, 4123 and 4124 requires modification to the proposed lot boundaries having regard to the requirements of the Department of Infrastructure, Planning and Natural Resources, NSW Fisheries and the detailed drainage design. When these lots (4121, 4122 and 4123) are recast, they must comply with Section 3.1.3 of Tullimbah Village Development Control Plan. Lots backing onto public reserves will not be supported whether the lots are recast or not, unless specific building and access guidelines are provided to ensure houses front onto the reserve. Details must be provided with the Construction Certificate Application for this stage.	NO	No longer relevant due to design changes in current proposal under DA647/2015 which proposes the removal of the Digby Creek Gully. This condition needs to be "switched off".
113. Lots 545 to 547 must be recast such that the boundaries of the lots abut the land zoned 9(b) (the Arterial Roads Reservation zone). Details of the new boundaries must be submitted with the Construction Certificate application for the relevant stage.	NO	Not on subject land. Off site.
114. Deleted.		
115. Lot 4101 must not be released until such time as the applicant has submitted Building and Access Guidelines for that lot, which ensure protection of the large eucalypt on or immediately south of that lot.	NO	Not in subject DA 647/2015 area .In next DA on Lot 3.
116. Lots 5000, 5001 and 5002, when re-subdivided into individual lots, must not exceed a maximum lot area of 350m ² so as to maintain the overall lot yield identified in the Tullimbar Village DCP.	NO	Current design supersedes this condition. Also refer to Supplementary Information Point 3 -attached to this Comparison Table.

117. Lots that are required to be recast as a result of the requirements of Condition No.112 can be in the form of a car court, standard lot frontage, battle-axe lot or rear lane.	NO	No longer relevant due to the variation in the current design.
Building and Access Guidelines		
<p>118. Amended Condition – Da no. 741/2002 (Pt 6) Guidelines must be prepared and put on the title of lots created that are less than 450m² in area, generally in accordance with the Tullimbar Village Stages 1 and 2 Building and Access Guidelines, revised September 2000, lodged with the development application, except for the following departures:</p> <ul style="list-style-type: none"> a. Energy efficiency <ul style="list-style-type: none"> i. All dwellings must achieve a minimum 3.5 star NatHERS energy efficiency rating. ii. All hot water systems must achieve a minimum 3.5 star NaTHERS energy efficiency rating. b. Fencing <ul style="list-style-type: none"> i. Rear fences along rear lanes must not exceed 2.0m high. All other rear fences must not exceed 1.8m high. ii. 1.5m splay corners must be provided on all front and side boundary fences greater than 1.0m high on either side of driveway access points, except for a corner post no wider than 200mm and no higher than 1.2m. c. External wall colours <ul style="list-style-type: none"> i. Shellharbour City Council will not be involved in the approval of colours on “built to boundary walls”. d. Solar collectors and other mechanical devices <ul style="list-style-type: none"> i. Shellharbour City Council will not be involved in the approval process of the location of these devices if they fall within the Exempt Development Control Plan or approval can be obtained by a Complying Development from an accredited certifier. e. Variations and duration of enforcement <ul style="list-style-type: none"> i. These guidelines will be enforceable indefinitely unless otherwise approved by Council. f. Balconies/ buildings over public roads <ul style="list-style-type: none"> i. Indemnity insurance must be held by all property owners for all those lots that have buildings overhanging the footpath. Details must be submitted with the Subdivision Construction Certificate identifying how property 	NO	Not relevant to the subject DA647/2015 as it does not include any lots less than 450m ² .

<p>owners and successors in title will be advised of this requirement.</p> <p>g. Driveway crossings</p> <p>i. When constructing the driveway crossing, the footpath material must not be changed so that the footpath maintains the consistent material and texture to reinforce the pedestrian priority on the footpath.</p> <p>h. Deleted</p> <p>i. Deleted</p> <p>j. A draft Section 88B Instrument must form a part of the Subdivision Certificate Application for each stage.</p>		
<p>119. Amended Condition – DA No. 741/2002 (Pt 6)</p> <p>Building Design Guidelines must be submitted with each subsequent stage of the land covered by this development application. The Building Design Guidelines (BDG's) and a draft Section 88B Instrument must be submitted with the Subdivision Certificate application for the assessment and approval by Council. The guidelines must be generally in accordance with the requirements of Tullimbar Village DCP and the conditions of this consent. The guidelines should be reviewed by the developer and Council after the first two stages to ensure they are operating satisfactorily. The BDG's may be amended by Council upon application by the applicant. A restriction must be placed on lots less than 450m2, requiring development to occur in accordance with the BDG's.</p>	YES	<p>This is for advice only.</p> <p>Future DA's on proposed Residue Lot 902 and Lot 3 will include lots less than 450m2 and will have Building Design Guidelines attached to them through this condition and the requirements of the SDCP – Appendix 13 Tullimbar Provisions.</p>
<p>119A. Modified DA No. 741/2002 (Pt 2) and DA No. 741/2002 (Pt 5)</p> <p>Building and Design Guidelines for the Village Centre must be prepared and submitted to Council for approval prior to the submission of Development Applications for buildings within the Village Centre. The BDG's must identify but not limited to:</p> <p>a. The range of uses to be developed.</p> <p>b. Building envelopes and pedestrian and vehicular access arrangements.</p> <p>c. Landscaping treatment.</p> <p>d. The timing and staging of development to ensure that an appropriate level of retail and/or commercial/community uses will be available to coincide with the initial occupation of dwellings.</p> <p>e. The BDG's may be reviewed and revised by Council upon application being made by the applicant.</p>	NO	<p>Not relevant to subject DA as it is related to the proposed Village Centre on Miltonbrooks land.</p>

Bonds and Contributions		
<p>120. The following contributions shall be paid to Council in accordance with the provisions of Section 94 of the <i>Environmental Planning & Assessment Act, 1979</i>, as amended and Council's <i>Fifth Review Section 94 Contributions Management Plan</i> (Dated 6 December 2000):</p> <ul style="list-style-type: none"> Community facilities/ services - \$4,773.04 per lot Benefit Area No. 8 – Albion Park Drainage Catchments – Cooback - \$3,453.64 per lot Benefit Area No.9 – Western Valley Facilities - \$438.32 per lot <p>The contribution amount for each stage must be obtained from Council and must be paid prior to the issue of a Subdivision Certificate for that stage adjusted in accordance with Condition No. 123.</p> <p>Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued.</p> <p>The <i>Fifth Review Section 94 Contributions Management Plan</i> may be inspected at Shellharbour City Council's Officers, Lamerton House, Lamerton Crescent, Shellharbour City Centre. If the developer wishes to undertake the drainage works as a Material Public benefit, written approval must first be obtained from Council.</p>	<p>YES</p> <p>Draft Condition F3</p>	<p>Covered by draft Condition F3 and modified to reflect current lot design and Council's Policy.</p>
<p>121. Amended Condition – DA No. 741/2002 (Pt 7)</p> <p>In accordance with the provisions of Council's <i>Fifth Review Section 94 Contributions Management Plan</i> (Dated 6 December 2000), 38,295m² of passive open space is to be dedicated to Council free of cost to cater for the open space needs of this development. This must include two playgrounds.</p> <p>In order to meet this requirement, Lots 281-285, 144, 279, 864, 4121, 4123, 4124, 4125, 4097 and the nominated open space within the road reserve of Street 34, must be embellished and dedicated to Council. Details of embellishment must be submitted for consideration, when the relevant Subdivision Construction Certificate for this proposal is lodged.</p> <p>The <i>Fifth Review Section 94 Contributions Management Plan</i> may be inspected at Shellharbour City Council's Officers, Lamerton House, Lamerton Crescent, Shellharbour City Centre.</p>	<p>YES</p> <p>Draft Condition F3</p>	<p>Covered by draft Condition F3 and modified to reflect current lot design and Council's Policy.</p>

<p>122. In accordance with the provisions of Council's <i>Fifth Review Section 94 Contributions Management Plan (dated 6 December 2000)</i>, a land area must be dedicated to Council for a Community Centre. The area for the Community Centre must be 500m² unless otherwise agreed in writing by Council. This area may be reduced subject to final design plans for the building being prepared and a site being identified.</p> <p>The land must be located within the Village Centre (being Lots 366, 370-373). In addition, six car parking spaces must be made available for use by the Community Centre.</p> <p>The location of the Community Centre must be identified on plans lodged with the Subdivision Construction Certificate application for the re-subdivision of lots with the Village Centre. The land must be dedicated to Council at the time of registration of the Subdivision Certificate.</p>	<p>No</p>	<p>Not relevant to subject DA as it is related to the proposed Village Centre on Miltonbrooks land.</p>
<p>123. The Section 94 contribution set out in the above conditions will be recalculated in accordance with movements in the <i>Chain Price Index for Non-Dwelling Building and Construction (CP)</i>, published by the <i>Australian Bureau of Statistics</i>. The recalculation shall be in accordance with the following formula:</p> $C_p = C_b \times \frac{CP_p}{CP_c}$ <p>Where</p> <p>C_p = Contribution rate at date of payment C_b = Base contribution rate as specified in Council's <i>Fifth Review Section 94 Contributions Management Plan</i> CP_p = Latest Published <i>Chain Price Index for Non-Dwelling Building and Construction</i> at the date of payment. CP_c = Latest published <i>Chain Price Index for Non-Dwelling Building and Construction</i>, at 6 December 2000.</p>	<p>NO</p>	<p>This condition is superseded by draft Condition F3.</p>
<p>124. The open space dedication requirements for this proposal are based on the number of lots included in the application. Should the number of lots change the open space requirements will be revised to reflect the revised proposal.</p>	<p>YES</p>	<p>This is for advice only and to be taken into consideration in the design.</p>
<p>124a. New Condition – DA No. 741/2002 (Pt 7)</p>	<p>No</p>	<p>Not relevant to subject land and current DA647/2015.</p>

<p>A Management Agreement detailing contractual arrangements between Miltonbrook and Ridgeview (NSW) Pty Ltd regarding “Works in Kind” (agreement between Council and Miltonbrook) must be provided to Council prior to the commencement of subdivision works (Lot 7).</p> <p>Note: This condition has been imposed as another developer will be involved in the development of the estate. This will also require additional administration on the part of Council with respect to S94 Contributions, works, etc.</p>		
Plan of Management		
125. A Plan of Management must be prepared and submitted for the Endangered Ecological Community – Illawarra Lowlands Grassy Woodland and identified in the Tullimbar Village DCP as bushland or forested land.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP is not in the subject DA area but located south on Lot 3 which will be the subject of a future DA on the site.
<p>126. The Plan of Management must be submitted, assessed and approved by Council.</p> <p>i. With a development application for any future development within Lot 1, DP 570091 or Lot 2, DP 792437 or any other land that has the Endangered Ecological Community within its boundaries; or</p> <p>ii. Prior to the release of the Subdivision Certificate for the creation of Street 14 and Lots 4100, 4102, 4103, 4119, 4120, 5033, 5034-5036 & 5002;</p> <p>Whichever occurs first.</p>	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP is not in the subject DA area but located south on Lot 3 which will be the subject of a future DA on the site.
127. A restriction as to User must be placed on the relevant Section 88B Instrument prohibiting the erection of any buildings within the Riparian Corridor along the western and south western boundaries of the proposed school site.	NO	Not on the subject Land. Off site.
Bushland		
128. Land within 5m of the outer edge of the drip line of the trees identified as the Endangered Ecological Community or in Tullimbar Village DCP bushland or forested land must be marked with a suitable temporary fence and no vehicles permitted over that line with the exception of the group of trees near the proposed crossing of Hazelton Creek. Where the proposed road crosses Hazelton Creek through these trees, this route must be inspected by Council’s Tree Preservation Officers prior to any construction certificate being issued to ensure as many trees as feasible will be retained.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.

129. No slashing, tree planting, weeding or other activity must occur within the fenced off area until the overall plan of management has been prepared and adopted and such uses are acceptable in that plan.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.
130. No public facilities, service corridors, car parks or other development must occur within the fenced off area at least until the plan of management is prepared and adopted and such uses are acceptable in that plan.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.
131. The fenced off area must not be used for storage of soil, debris, construction materials or any other items associated with construction of the subdivision.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.
132. The Plan of Management must be approved prior to any dedication of the bushland as public open space and / or prior to the sale of the lots with frontage to the street that abuts the bushland, whichever occurs first.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.
133. Details of compliance with Condition Nos. 128 – 132 must be submitted with the Subdivision Construction Certificate application for the relevant stage.	NO	The Endangered Ecological Community – Illawarra Lowlands Grassy Woodland identified in the Tullimbar Village DCP and the Hazelton Creek riparian zone crossing referred to in this condition is not in the subject DA area.
Aboriginal Heritage		
134. Prior to any works being carried out in the areas identified in the Navin Officer – Heritage Consultants Pty Ltd report “ <i>Tullimbar Village Development – Aboriginal Archaeological Assessment</i> ” dated September 2002 as HC1, HC2 and PADs 1-4, a program of archaeological subsurface testing must be carried out. The purpose of the testing is to ascertain the presence/absence, integrity and significance of an archaeological material in these areas.	Yes Draft Conditions B17 and D5.	Captured by draft Conditions B17 and D5. Relate to the management and identification of potential Aboriginal Archaeological in the sites identified as Tullimbar Village PAD2, PAD3 west and PAD4.
135. Any Aboriginal ‘relics’ that may be identified or located within the sites identified in Condition No. 134 are to be the subject of an application to the NSW National Parks & Wildlife Service seeking a “consent to destroy” permit.	YES Draft Conditions B17 and D5.	Captured by draft Conditions B17 and D5. Relate to the management and identification of potential Aboriginal Archaeological in the sites identified as Tullimbar Village PAD2, PAD3 west and PAD4.
Bush Fire Protection		
136. Asset protection zones (as described in <i>Planning for Bushfire Protection 2001</i>) must be established in accordance with Table 1 and Section 6 of the “ <i>Bushfire Protection Plan – Proposed</i> ”	YES	Captured by draft Condition F13 (a) and (b).

<i>Subdivision Tullimbah Village, Precinct 1, Albion Park</i> prepared by Bushfire and Environmental Services.	Draft Condition F13 (a) and (b)	
137. A perimeter trail must be provided around Lots 672 and 673 linking the proposed road system.	NO	
138. The development must incorporate all recommendations of <i>"Bushfire Protection Plan – Proposed Subdivision Tullimbah Village, Precinct 1 Albion Park"</i> prepared by Bushfire and Environmental Services.	NO	The subject DA is supported by a new Bushfire Assessment Report prepared by Australian Bushfire Protection Planners Pty Limited. October 2015. Draft Condition F13 (a) and (b) relates to this report.
139. Street hydrants must be installed in all streets with pressure and flows that comply with AS 2419 and at distances not excluding 60 metres.	NO	Not included in draft conditions but understood as part of water design.
140. No vegetation shall be removed that is identified as the Endangered Ecological Community – Illawarra Lowlands Grassy Woodlands unless an assessment of this vegetation has been undertaken by a qualified Ecological and Environmental Consultant. That assessment must be submitted to Council with any future subdivision construction certificate application for the approval of Council. Should there be a conflict between the vegetation and the proposed road and lot layout, and Council does not support the removal of vegetation, the road and lot layout must be revised so that the Endangered Ecological Community is not removed.	NO	Primarily relates to the Endangered Ecological Community – Illawarra Lowlands Grassy Woodlands present on Lot 3 and not affected by the subject DA. However, the scattered remnant vegetation in the Digby Gully has been assessed as part of DA647/2015 and is not considered to have biodiversity value and Council supports its removal as part of the subdivision works.
141. Details showing how Condition Nos. 136-139 have been complied with must be submitted with the relevant Subdivision Certificate application and must be endorsed by the Kiama-Shellharbour Fire Control Officer.	NO	Not included in draft conditions and not current policy of Shellharbour Council.
Filling Material		
142. All fill material used in this development must be clean and uncontaminated. Details showing compliance with this condition, including source of material and certification that it is not contaminated must be submitted with the relevant stage of the Subdivision Certificate.	YES Draft Condition D8.	Covered by draft Condition D8.
Building		
143. Deleted.		
144. Deleted.		
145. Deleted.		
Street Lighting		
146. A street lighting plan must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. All costs associated with the installation of street lighting must be borne by the developer.	YES Draft Condition D13.	Covered by draft Condition D13.

147. Street lighting in all rear lanes, walkways and public reserves must satisfy <i>ANZS1158.3.1 – 1999 Pedestrian Areas (Category P)</i> and consideration must be given to the type of fixture to be installed that will reduce potential vandalism and ease of climbing.	YES Draft Condition D13.	Covered by draft Condition D13. Note: there are no rear lanes as part of the subject DA.
Street Names/ Signs		
148. Proposed street names must be submitted for Council's consideration for all new public and private roads proposed as part of this development. The submission must include the : <ul style="list-style-type: none"> - Reasons for/or background/history to the names and estate theme. - A plan of the street layout with proposed names and road numbers if applicable. - Fees are in accordance with Council's Revenue Policy. 	YES Draft Condition F15.	Covered by draft Condition F15.
149. All proposed street signs must be in accordance with Council's Street Name Sign Policy or as otherwise agreed in writing by Council.	YES Draft Condition B5	Covered in draft Condition B5 as part of Council's Subdivision Design Code.
150. Modified DA No. 741/2002 (Pt 2) Prior to the submission of the Construction Certificate application for Stage 2, a satisfactory agreement must be reached between all landowners and Integral Energy regarding the relocation of the existing electricity easements traversing the subject site.	NO	Not relevant to the subject DA.
DEPARTMENT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES (DIPNR)		
Integrated Development		
151. The Department of Infrastructure, Planning & Natural Resources (DIPNR) has determined that a 3A Permit is required in relation to this development.	YES Draft Condition A6	Covered by draft Condition A6.
General Terms of Approval (GTA) & 3A Permit		
152. Pursuant to Part 3A of the <i>Rivers & Foreshores Improvement Act 1948</i> a permit is required to be obtained from the Department of Infrastructure, Planning & Natural Resources (DIPNR) for any excavation or removal of material in, or within 40 metres of, the watercourses (ie. "protected land") that extend through those lands known as the "Tullimbah Village – Western Valley" (the site).	YES Draft Condition A6	Covered by draft Condition A6.
153. For the site, the Department is in the position to provide separate permits for those relevant activities on "protected land"	NO	Not relevant to the subject DA.

associated with the extent of Hazelton/ Cooback and Digby Creek within the land identified in this application.		
154. In accordance with the integrated development provisions contained in the Environmental Planning & Assessment legislation, the Department of Infrastructure, Planning & Natural Resources (DIPNR) provides the following General Terms of Approval in relation to any excavation or removal of material in, or within 40 metres of Hazelton/ Cooback Creeks and Digby Creek.	YES Draft Condition A6	Covered by draft Condition A6.
155. Permits under Part 3A of the <i>Rivers & Foreshores Improvement Act 1948 (R & FI Act)</i> is required to carry out earth works, in stream works and associated infrastructure provision within the conceptual “riparian corridor” identified in the Development Control Plan No. 5/98 – Tullimbar Village (Western Valley) and in more detail in Hazelton Creek Stormwater Strategy – Stage 1 & 2 Reports”. (Forbes Rigby Pty Ltd, dated February and June 2000/September 2002 respectively), Forbes Rigby Drawings Nos. 98098 – 2001 to 2012, Rev 2 and Statement of Environmental Effects (September 2002).	NO	Not relevant to the subject DA.
156. The same permits will also incorporate any excavations or removal of material outside of the “riparian corridor” but within 40 metres of Hazelton/ Cooback Creek and Digby Creek. Such activity will generally be associated with earth works and excavation for infrastructure provision and residential (and ancillary) development.	YES Draft Condition A6	Covered by draft Condition A6.
157. The Department of Infrastructure, Planning and Natural Resources (DIPNR) have combined the General Terms of Approval (GTA) and 3A Permit for this development.	NO	Not for the subject DA.
Broad General Terms of Approval		
158. The work to which these General Terms of Approval apply is not to commence until such time as formal permits under Part 3A of the <i>Rivers & Foreshores Improvement Act 1948</i> has been issued from DIPNR.	YES Draft Condition A6	Covered by draft Condition A6.
159. These General Terms of Approval apply only to relevant works proposed on “protected land” located within the Hazelton Creek/ Cooback Creek catchment situated on land known as the “Tullimbah Village – Western Valley” (the site). Relevant works include activities such as earth works, excavation and removal of material associated with residential subdivision design, provision of riparian management outcomes, infrastructure provision and residential (and ancillary) development.	YES Draft Condition A6	Covered by draft Condition A6.
160. For the purposes of these approval conditions, the area referred to as “the riparian corridor” will be that zone as	NO	Not relevant to subject DA.

measured 20m horizontally from the top of each finished creek bank specifications, except as otherwise noted in the plans referred to in Condition No. 155.		
161. These General Terms of Approval do not apply to works associated with “protected land” which occur external to the lands identified within Development Application No. 741/2002.	NO	Not relevant to subject DA.
162. All works is to be consistent with the section, “ <i>Water & Stream Management</i> ” contained in Council’s Development Control Plan No. 5/98 – <i>Tullimbah Village (Western Valley) and “Hazelton Creek Stormwater Strategy – Stage 1 & 2 Reports”</i> (Forbes Rigby Pty Ltd dated February and June 2000/ September 2002 respectively), Forbes Rigby Drawings 98098 – 2001 to 2012 Rev 2 and the Statement of Environmental Effects (September 2002).	NO	Not relevant to subject DA.
163. Where there are inconsistencies or disputes over the area of coverage with regard to the DCP and DA, these General Terms of Approval are considered null and void and the matter is to be referred to the Department of Infrastructure, Planning and Natural Resources for resolution or separate approval.	NO	Not relevant to subject DA.
164. All stormwater generated from roads and residential development shall be treated to the satisfaction of Council prior to direct discharge into the riparian corridor. Note: The objective is that the final development has no adverse impact on water quality reaching the creek.	YES	The Stormwater Management Strategy has already been designed and constructed by Miltonbrook Development. The current proposal must link into this work.
165. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of stream banks. The holder of the formal permit will be required to carry out any instructions given by DIPNR with a view to preventing damage to the banks.	YES Draft Condition A6	Captured by draft Condition A6.
166. Any stockpiling of material or vegetation associated with the construction phase of the development shall be sited and managed so that debris cannot be swept back into the watercourse during storm event or flood.	YES Draft Condition A6	Captured by draft Condition A6.
General Terms of Approval Specific to Works Within the Riparian Corridor		
167. For all works to which these General Terms of Approval apply, a Soil & Water Management Plan is to be prepared by a suitably qualified person and submitted with the Part 3A Permit applications. The plan is to meet the requirements outlined in <i>Chapter 3 of the NSW Department of Housing’s “Managing Urban Stormwater: Soils and Construction” (1998)</i> and shall ensure the management of earth works, stockpiles/spoil placement, infrastructure provision, residential development and any related activities are addressed.	YES Draft Condition B2 and A6	Captured by draft Conditions B2 and A6.

<p>168. The applicant shall provide as part of the application a colour aerial photograph (most recent photography available from the Land Information Centre or BHP) at a scale of 1:4000. The photograph shall include in a transparent overlay format, which identifies any proposed creek diversions, the existing creeks alignment for their entire length and the outer boundary alignment of the riparian corridor from both stream banks as determined by the 20 metre distance from the finished top of bank position.</p>	<p>NO</p>	<p>Not relevant to the subject DA.</p>
<p>169. All in stream geomorphic features in creek sections to be retained shall be maintained and where the stream channels are to be reconstructed, the detail design shall recreate the full range of natural stream geomorphic variability.</p>	<p>NO</p>	<p>Not relevant to the subject DA.</p>
<p>170. Detailed Riparian Management Plans (RMP's) for the extent of both Hazelton/ Cooback Creeks and Digby Creek riparian corridors on the site shall be submitted as part of the separate applications for the Part 3A Permits. The detailed RMP's shall include the following:</p> <ul style="list-style-type: none"> i. Plans showing in detail the existing creek channel, riparian corridor, vegetation and geomorphic features. ii. Plans showing in detail the proposed creek channel, riparian corridor, vegetation and geomorphic features. iii. Detailed plans of any channel modification and stabilisation works. iv. A longitudinal section of the existing and proposed creek channel bed in sufficient detail to identify changes in bed level and hydraulic features (ie. pools and riffles). v. Details of any proposed / existing stormwater discharge points into the riparian corridor. vi. Details of the design and location of proposed water quality control devices that will treat stormwater prior to discharge. vii. Cross sections of the riparian corridor at 50 metre intervals showing both existing and proposed ground surface levels. viii. Details of any recreational/vista opportunities and functions proposed for the riparian corridor. ix. Details on the staging or sequencing of works (eg. GANNT chart) and a Vegetation Management Plan shall be incorporated into the RMP that shows: <ul style="list-style-type: none"> a. Methods for weed removal and control (all exotic vegetation should be removed). 	<p>NO</p>	<p>Not relevant to the subject DA.</p>

<ul style="list-style-type: none"> b. Revegetation – include plant species, location, planting density, structure and floristic composition, methods for planting, site preparation and site stabilisation. c. Cross sections of the riparian corridor at 50 metre intervals, showing proposed vegetation composition. The MANNINGS N value must be consistent with the drawing shown in Enclosures B & C of Forbes Rigby letter of 12 May 2003. d. Site and vegetation maintenance requirements including the establishment phase (and longer term requirements). e. Aquatic and semi-aquatic plant species (including locations and planting density). f. Staging and sequencing details for above tasks (eg. GANNT chart). g. A monitoring and performance evaluation program (eg: replacement of plant losses, etc). 		
<p>171. The Hazelton Creek and Digby Creek RMP's shall also include a written component that discusses the basis of how the RMP was developed (including any ecological or hydraulic assessments). How the plan and works are to be implemented (including staging of works and management of interface areas where works are yet to commence), in addition to providing a clear and concise ongoing management strategy.</p> <p>Note: The intent of the RMP is to demonstrate to DIPNR (as the approval authority) and Council (as future owner/manager of the corridor lands), that a stable and ecologically sustainable riparian corridor will be achieved).</p>	NO	Not relevant to the subject DA.
<p>172. The bank or land below any stormwater outlet to the creek is to be sufficiently armoured with appropriately sized rock to prevent any erosion or scour.</p>	YES Draft Conditions B2 and A6.	Captured by draft Conditions B2 and A6.
<p>173. Three sets of the Soil & Water Management Plan, Riparian Management Plan (including associated Vegetation Management Plan and other drawings, plans, cross sections and detailed drawings of all engineering works), is to be provided to DIPNR in one application package to facilitate an assessment and the preparation of separate Part 3A Permits for Hazelton/ Cooback Creek and Digby Creek.</p>	YES Draft Conditions B2 and A6.	Captured by draft Conditions B2 and A6.
NSW FISHERIES		

174. Final detailed designs for each of the road crossings is to be submitted to NSW Fisheries for the Department's review and comment to ensure that environmental outcomes are optimised.	NO	Requirements of NSW Fisheries not relevant to the subject DA647/2015.
175. A permit for dredging and reclamation works will be required from NSW Fisheries before the works on the various road crossings commence. The permit for dredging and reclamation works is required, as the works will involve the removal and deposition of material from a waterway. Note: A dredging and reclamation permit will not be required from NSW Fisheries if a Part 3A Permit under the <i>Rivers & Foreshore improvement Act 1948</i> is to be issued by the Department of Infrastructure, Planning and Natural Resources (DIPNR).	NO	Requirements of NSW Fisheries not relevant to the subject DA647/2015.
176. Damage to riparian vegetation is to be minimised. Any disturbed sites are to be rehabilitated once the works are complete.	NO	Requirements of NSW Fisheries not relevant to the subject DA647/2015.
177. Appropriate sediment/ erosion devices are to be deployed to ensure that impacts on the local water quality are minimised.	NO	Requirements of NSW Fisheries not relevant to the subject DA647/2015.
Section 96 Modification to Development Application 741/2002 (Part 10) Admin Reference No. DAM0509/2015 – Approved 16 December 2016.		
CONDITIONS OF CONSENT AS MODIFIED UNDER DA 741/2002 (Part 10)	RELEVANT TO DA647/2015	COMMENT/OUTCOME
MODIFIED CONSENT RELATES TO:		
Modifications approved under DA No. 741/2002 (Pt 10) are: <ul style="list-style-type: none"> • Modifications to first development in Stage 3 to comprise 36 lots, 2 residue lots, sales office and associated carpark. • Modified condition no. 2. • New condition no.s 178 - 190 		
Conditions Relating to Part 10 Modification		
178. New Condition DA No. 741/2002 (Part 10) Noble Road must be constructed with an 8m carriageway and a 3.0m footpath. This will require the dedication of a 1.5m strip as road reserve from those lots fronting Noble Road as part of the final plan of subdivision. Details to be shown on plans submitted with the Subdivision Construction Certificate Application. Note: The design of the intersection of Noble Road, Sophia Street and Braemar Street should consider the design and construction requirements of the future roundabout at this intersection referred to in condition no. 58.	NO	Not relevant to the subject DA647/2015, as it relates to Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.

<p>179. New Condition DA No. 741/2002 (Part 10)</p> <p>The street tree species selected shall be the same as the street tree species planted in the existing main streets of Tullimbar.</p> <p>All trees planted as part of the subdivision works must have a mature height of no more than RL52m AHD unless shielded by natural terrain.</p>	<p>NO</p>	<p>Not relevant to the subject DA647/2015, as it relates to Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.</p>
<p>180. New Condition DA No. 741/2002 (Part 10)</p> <p>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.</p> <p>Approval must be sought from the Airport Manager prior to the use of cranes, plant or machinery that will exceed a height of 52.00m AHD. Applications shall be assessed considering shielding. Fees and charges may apply if shielding is not available.</p> <p>Further details, including the application form, can be downloaded from Council's website. Please make early application for the approval to minimise any delay in works being undertaken.</p>	<p>NO</p>	<p>Similar condition not included in draft conditions for DA647/2015.</p>
<p>181. New Condition DA No. 741/2002 (Part 10)</p> <p>A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:</p> <ol style="list-style-type: none"> Be generally in accordance with the Concept Drainage Plan Ref No. 1501. DS. C08 prepared by Siteplus on 25/06/15, Drain to existing Council infrastructure, Indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines, Be designed to cater for a 1 in 20-year Average Recurrence Interval storm event, 	<p>No</p>	<p>Not relevant to the subject DA647/2015, as it relates to Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.</p>

<p>e. Show that overflow drainage paths are designed to cater for 1 in 100-year Average Recurrence Interval storm event,</p> <p>f. Comply with Council's Shellharbour Development Control Plan (Chapter 25 & Appendix 12) unless variation is specifically noted and approved on DA concept drainage plan, and</p> <p>g. Be to the satisfaction of the Certifying Authority.</p>		
Sales Office		
<p>182. New Condition DA No. 741/2002 (Part 10)</p> <p>Before any site works, building or use is commenced, the person having the benefit of the development consent must:</p> <p>a. Obtain a Construction Certificate for the sales office and associated carpark and structures from Shellharbour City Council or other accredited certifier, and</p> <p>b. Appoint a Principal Certifying Authority.</p>	NO	<p>Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.</p>
<p>183. New Condition DA No. 741/2002 (Part 10)</p> <p>This development consent is subject to the prescribed conditions made under the <i>Environmental Planning & Assessment Regulation 2000</i>. The prescribed conditions include compliance with the <i>Building Code of Australia</i>.</p> <p>In this regard, the sales office building will need to be relocated on proposed lot 2. Details to be submitted with the Construction Certificate application.</p>		
<p>184. New Condition DA No. 741/2002 (Part 10)</p> <p>All car parking areas, maneuvering areas and the access aisle of the sales office carparking area must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. <i>AUSTROADS Guide to Pavement Technology</i> can be used as the design guideline for the pavement design.</p> <p>The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to an commercial/industrial standard with the work carried out by Council or a Council approved</p>	NO	<p>Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.</p>

contractor at the Developer's expense, including all alteration to public infrastructure where necessary.		
<p>185. New Condition DA 741/2002 (Part 10)</p> <p>A standard industrial vehicular concrete driveway and layback to the sales office site must be constructed between the kerb and the property boundary. The driveway must:</p> <ol style="list-style-type: none"> Maintain a perpendicular alignment from the kerb to the property boundary line, Have a minimum width of 6m, Not interfere with the existing public utility infrastructure, Be located 500mm clear of all drainage structures and 2m from the street tree, Be finished with a slip resistant coating, and Be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary. <p>Where there is conflict between the location of the proposed driveway and the assets of a severe utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.</p>	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.
<p>186. New Condition DA No. 741/2002 (Part 10)</p> <p>The cut and fill areas associated with the sales office development must:</p> <ol style="list-style-type: none"> Be suitably retained, Be in accordance with the approved plans, Have a maximum grade of 45° (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area, and Not exceed 1m in depth outside the external walls of a building, unless otherwise approved in writing by Council. 	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.
<p>187. New Condition DA No. 741/2002 (Part 10)</p> <p>The retaining walls associated with the sales office development must:</p>	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.

<p>a. Have a minimum height of 1 metre, and b. Be located wholly within the property, including footings and agricultural drainage lines. This may require the retaining wall to have a minimum boundary setback of 200mm.</p> <p>Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.</p>		
<p>188. New Condition DA No. 741/2002 (Part 10)</p> <p>The sales office building must not be used until the Principal Certifying Authority issues a final Occupation Certificate.</p>	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.
<p>189. New Condition DA No. (Part 10)</p> <p>The sales office has a limited consent period of two (2) years from the date of issue of an Occupation Certificate.</p> <p>At the end of this period, the sales office building and associated carpark and structures must be removed. All disturbed surfaces must be restored to the satisfaction of Council and reinstated with the appropriate material.</p>	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.
<p>190. New Condition DA No. 741/2002 (Part 10)</p> <p>No signage structures have been approved under this development consent with the exception of temporary banner signs. These banner signs are to be displayed only during the operational hours of 9am – 5.30pm Monday to Sunday.</p>	NO	Not relevant to the subject DA647/2015, as it relates to the Sales Office in Stage 1 of the proponent Homes subdivision approved under Development Consent No. 741/2002 (Part 10) Ref No. DAM0509/2015.

END OF REPORT