



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: The Manager
Don Fox Planning Pty Ltd
DX 4721
PENNANT HILLS

19 MAY 1999

Being the applicant of Development Application No. 2313/98 for consent to the following development:

108 LOT RESIDENTIAL SUBDIVISION, 1 PUBLIC RESERVE LOT, 1 RESIDUE LOT & USE OF PROPOSED LOTS 7001 - 7028 FOR A DISPLAY VILLAGE & USE OF LOT 7029 FOR CARPARKING
LOT: 3070 DP: 881395 &
PT. LOT 1 DP 883196
COVE BOULEVARDE SHELL COVE

Determination date of consent13 MAY 1999.....

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

SUBDIVISION

Subdivision Construction Certificate

- 1. The person having the benefit of the development consent must:
 - a. Obtain a subdivision construction certificate from Shellharbour City Council (S81A).

LEGISLATION

- 2. The subdivision must be completed in strict conformity with the plans approved by Council (enclosed herewith) and the conditions hereon specified and in compliance with the requirements of the Environmental Planning Instruments, *Local Government Act 1993* and Council's Codes and Policies.

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

ENGINEERING

General

3. Road and drainage plans, prepared by a suitably qualified Engineer, in accordance with Council's Standards, shall be submitted to the Principal Certifying Authority for approval. All road and drainage work shall then be constructed in accordance with Council's construction Standards and approval at no cost to Council.
4. All lots shall comply with Council's Residential Subdivision Development Control Plan.
5. The developer shall maintain the road and drainage works for a defects liability period of six months from the date of registration of the final plan of subdivision.

Drainage

6. Interallotment drainage shall be provided to dispose of stormwater from those allotments which do not have fall to the street to which the lot fronts.
7. Stormwater runoff from the subdivision shall be retarded to predeveloped levels for all storm events between the 20% and the 1% annual exceedence probability flood event. Alternatively, the applicant shall demonstrate that no unacceptable adverse effects to downstream areas are caused by unretarded post-development flows. This issue must be resolved prior to the issuing of the Construction Certificate.
8. All allotments shall be constructed at or above the 1 in 100 year flood level. All allotments within 500 mm of the 1 in 100 year level, shall have a restriction as to user placed on the 88B Instrument specifying a minimum floor level of 500 mm above the 1 in 100 year flood level. All levels must be related to AHD. Alternatively, all allotments shall be filled to a level 500mm above the 1 in 100 year flood level.
9. All concrete stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council shall 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'.
10. All concrete pipes within road reserves and within drainage easements intended to be dedicated to Council shall be inspected by CCTV. A copy of the CCTV inspection shall be recorded on video tape and submitted to Council prior to the release of the Subdivision Certificate or placement of final seal on roads, whichever occurs earlier. Damaged pipes shall either be replaced or repaired to Council's satisfaction prior to the issuing of a Subdivision Certificate.

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11. Stormwater drainage and interallotment drainage shall be designed for the critical flood event with an average recurrence interval of 1 in 10 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years shall be over public land.

Road Standards

12. Options for the realignment of the intersection of Roads 701/702/703 shall be investigated including a solution that realigns the intersection to provide a maximum intersection angle of 70°. The options shall be submitted to Council for approval prior to the release of the Subdivision Construction Certificate.
13. Between the intersection with Road No 26 and Road No 702, Road No 701 shall be constructed with a 9m carriageway and 4.5m footpaths each side. Between the intersection with Road No 702 and the intersection with Road No 704, Road No 701 shall be constructed with an 8m wide carriageway and 3.5 m wide footpaths each side. Between the intersection of Road No 704 and Road No 702 (adjacent to proposed lot 7023), Road No 701 shall be constructed with a 6m wide carriageway and 3m wide footpaths each side.
14. Road No 702 shall be constructed with a 6.0m wide carriageway with 3m wide footpaths each side within a 12 m wide road reserve with the exception that the section of Road No 702 fronting proposed lots 7106 to 7113 may be constructed as a shareway with a 3.5m wide carriageway with a 3 m wide footpath adjacent to the lots within a road reserve 8.0m wide.
15. Road No 703 shall be constructed with a 6.0m wide carriageway with 3m wide footpaths each side within a 12m wide road reserve. Consent is granted only for that section of Road No 703 which fronts proposed lot No 7170 and lot No 7173.
16. Road No 704 shall be constructed with an 8.0m wide carriageway with 3.5m wide footpaths each side within a 15m wide road reserve.
17. Road No 705 shall be constructed with a 6.0m wide carriageway with 3m wide footpaths each side within a road reserve 12.0m wide.
18. Road No. 706 shall be constructed with a 6.0m wide carriageway with 3m wide footpaths each side within a 12m wide road reserve. Consent is granted only for that section of Road No 706 to the kerb return tangent point adjacent to proposed Lot Nos 7219 and 7226.
19. Road No. 707 shall be constructed with a 6.0m wide carriageway with 3m wide footpaths each side within a 12m wide road reserve. Consent is granted only for that section of Road No 707 to the kerb return tangent point adjacent to proposed lots No 7230.

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20. Road No. 708 shall be constructed with an 8.0m wide carriageway with 3.5m wide footpath adjacent to the lots and a 1.5m wide footpath adjacent to the proposed public reserve within a 13m wide road reserve.
21. Road No. 709 shall be constructed with a 6.0m wide carriageway with 3m wide footpath adjacent to the lots and a 1.5m wide footpath adjacent to the proposed public reserve within a 10.5m wide road reserve.
22. The proposed service road shall be constructed with a 3.5m wide carriageway with a 3m wide footpath fronting the lots and a 3m wide footpath between the service road and Cove Boulevard.
23. The applicant shall provide at least three parking bays and two passing bays within the service road. No Parking signs shall be installed within the passing bays.
24. Parking bays shall be provided in the shareway section of proposed Road No 702 at a rate of one space per three lots. In this regard at least two parking bays shall be provided adjacent to the proposed public reserve opposite lots No 7107 and No 7108.
25. A median shall be constructed in the northern leg of Road No 708 at the intersection with Road No 709. The design of the median shall be submitted to Shellharbour Traffic Committee for approval and the median shall then be constructed in accordance with such approval at no cost to Council.
26. A median shall be constructed in the western leg of Road No 701 and in Road No 704 at the Road No 701/Road No 704 intersection. The design of the median shall be submitted to Shellharbour Traffic Committee for approval and the median shall then be constructed in accordance with such approval at no cost to Council
27. A turning facility to cater for a large rigid vehicle and in accordance with Council's Codes and Standards shall be provided at the blind end of Road No 709 and 'No Parking' signs shall be erected around the perimeter of the turning area. Alternatively, the dedication of Road No 709 shall be limited to 30m.
28. The geometric design of all roads shall be such as to permit an 11.0m single unit truck to manoeuvre in order to enter and leave each road travelling in a forward direction.
29. Kerb returns at intersections shall be constructed with a radius of not less than 6.0m. In this regard the design of kerb returns shall meet the objectives of the AMCORD guidelines.
30. The pavement length of stub roads shall be limited to a length of 30.0m.
31. 150mm barrier kerb and gutter shall be provided in Road No 701 between Road No 26 and Road No 703 and in other roads adjacent to proposed public reserves.

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- 110mm Roll Top kerb and gutter shall be provided elsewhere in the development.
32. Wherever 150mm kerb and gutter is provided, vehicular layback crossings are to be provided to serve each allotment. All vehicular laybacks shall comply with the Australian Standards requirements for access for the disabled.
 33. The vertical and horizontal alignment of all streets and all street intersections within the development shall have site distance provided in accordance with AUSTRROADS' requirements.
 34. The pavement design for all subdivision roads with traffic loadings less than 1×10^6 ESA shall be carried out by a qualified Geotechnical/Civil engineer in accordance with ARRB Special Report No.41 *Into a New Age of Pavement Design*, based on test results undertaken by a NATA registered laboratory. The pavement design shall be submitted to Council for approval prior to the release of the Subdivision Construction Certificate.
 35. The pavement design for all subdivision roads with a traffic loading equal to or greater than 1×10^6 shall be carried out by a qualified Geotechnical/Civil engineer in accordance with the AUSTRROADS *Pavement Design* manual, based on test results undertaken by a NATA registered laboratory. The pavement design shall be submitted to Council for approval prior to the release of the Subdivision Construction Certificate.
 36. Insitu density tests shall be performed by a NATA registered laboratory on the subgrade, sub-base and base in accordance with Council's Codes and Standards.
 37. Benkelman beam testing on all new internal subdivision roads shall be performed in accordance with Council's Codes and Standards prior to the release of the Subdivision Certificate. The acceptance criteria is based on the tolerable deflections given in Figure 29 of ARRB Special Report No 41 *Into a New Age of pavement Design* and AUSTRROADS *A guide to the Structural Design of Road Pavements*.
 38. Sub-pavement drainage shall 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.
 39. Services conduits shall be placed across carriageways prior to the placing of any pavement material. In this regard a copy of the services plans shall be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings shall be under bored.
 40. An industrial standard layback and footpath crossing 6m wide shall be constructed at the two points of access to proposed lot No 7029 generally in accordance with plan No 98044LC02 dated October 1998 by Iain Brammer Landscape Architect.

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41. The display village car park within proposed lot No 7029 including manoeuvring areas and the access aisles shall be paved, drained and marked. The car park, including access aisle and parking spaces, shall be constructed with a minimum of 150mm of compacted road base with a 2 coat flush seal. A hardwood or concrete edge strip shall be placed around the perimeter of the area. A detailed plan shall be submitted to the Principal Certifying Authority with the Construction Certificate application for the subdivision. The dimension of the car parking spaces and access aisle shall be in accordance with Council's adopted standards for parking area layouts (copy attached).
42. A concrete median, not less than 600mm wide shall be constructed within Cove Boulevard from the eastern most splitter island of the Road No 26/Cove Boulevard roundabout for a distance of 45m. The design of the median shall be submitted to Council for approval by the Shellharbour Traffic Committee.
43. The applicant shall provide double barrier centre line marking in Cove Boulevard for a distance 60m from the end of the new median and centre line marking in Cove Boulevard for the remaining length of the site.
44. A concrete median, not less than 600mm wide shall be constructed within Road No 26 from the southern most splitter island of the Road No 26/Cove Boulevard roundabout for a distance of 40m. The design of the median shall be submitted to Council for approval by the Shellharbour Traffic Committee.
45. The applicant shall provide centre line marking in Road No 26 from the end of the new median to the intersection with Road No 701.

Footpaths and Cycleways

46. A 1.2m wide concrete footpath shall be constructed along one side of Road No701 between Road No 26 and Road No 704 and along one side of Road No 704 for the full length of Road No 704.
47. A 2.5 wide concrete path shall be constructed along the western side of Road No708 between Cove Boulevard and Road No 709, along the western side of Road No 709 and within the public reserve strip between Cove Boulevard (service road) and Road No 702.
48. Pram ramps which comply with the Australian Standards requirements for access for the disabled shall be provided in all kerb returns at or near the kerb return tangent points.

Geotechnical

49. A geotechnical engineer's report shall be submitted to Council prior to the release of the final plan of subdivision. The report shall include certification of compaction densities and the stability of all filling and the classification of each lot in accordance with the Australian Standard 2870-Residential Slabs and

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Footings. The report shall be prepared by a Chartered Professional Civil Engineer with professionally recognised geotechnical experience.

50. All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS3798-1990.

Sediment Control and Water Quality Control

51. The developer shall submit a 'Soil and Water Management Plan' for the subdivision which has been endorsed by the District Soil Conservationist and the Environment Protection Authority. The plans shall generally be prepared in accordance with the Department of Housing's publication "Managing Urban Stormwater, Soils and Construction" and the former Department of CALM's publication "Urban Erosion and Sediment Control". The soil and water management plan must also include specific measures for the control of dust generated as a result of construction activities on site. A copy of the Soil and Water Management Plan, endorsed by the District Soil Conservationist, shall be lodged with the Subdivision Construction Certificate application.
52. The developer shall lodge a bond to the amount of \$200 per lot to ensure compliance with erosion and sediment control measures incorporated in the approved Erosion and Sediment Control Plan. This bond shall be an irrevocable bank guarantee made out in favour of the Principal Certifying Authority, and shall operate as follows:
- a. The bond shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
 - b. The bond shall be held by Principal Certifying Authority until the expiration of the maintenance period for the subdivision.
 - c. Should the Principal Certifying Authority 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 the Principal Certifying Authority the right to employ an appropriate contractor to undertake such measures as deemed necessary and fund these works from the bond guarantee.
53. The developer shall obtain a Pollution Control Approval for the subdivision from the EPA. A copy of the Pollution Control Approval shall be submitted to the Principal Certifying Authority with the Subdivision Construction Certificate application.
54. Runoff from the subdivision shall be drained through water pollution control facilities so that the quality of the water discharging into the receiving waters downstream of the facility meets the requirements of the Environment Protection Authority and the Department of Land and Water Conservation.

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55. The developer shall give Council a written undertaking that the developer will advise all prospective purchasers that subject to any necessary Ministerial Consent, Shellharbour City Council intends to impose a special rate to cover the cost of maintaining the water pollution control facilities and the extraordinary cost of maintaining the water pollution control facilities and landscaping. Evidence of the undertaking shall be submitted to the Principal Certifying Authority with the Subdivision Construction Certificate application.

Utility Services

56. Water and sewerage services shall be provided to all proposed lots. In this regard the developer shall submit a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water to the Principal Certifying Authority with the Subdivision Certificate application.
57. Electricity shall be provided to all proposed lots. In this regard the developer shall submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
58. Telephone service shall be provided to all proposed lots. In this regard the developer shall submit written advice to Council from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.
59. Lots affected by new or existing services shall be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority, Sydney Water and Integral Energy.
60. The developer shall submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas service to the proposed allotments have been satisfied. This advice shall be submitted with the Subdivision Certificate application.

Noise Exposure

61. Detail design plans of the attenuation measures together with certification of the design by a qualified acoustic consultant that the acoustic attenuation measures will achieve the LA10(18hour) noise level of 65 dBA shall be submitted to the Principal Certifying Authority for approval with the Subdivision Construction Certificate application.

Final Plan

62. The developer shall submit a satisfactory final plan of subdivision, an electronic copy and fifteen paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The

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- electronic copy shall be in ISG coordinates and shall be submitted in DXF or DWG format. All sections of the 88B instrument, the Council Certificate section of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) shall be completed prior to lodging the plan.
63. Corner lots shall have splay corners with the splay being 4m back on each boundary.
64. All intended reserves, roads, pathways and drainage easements are to be dedicated to Council.
65. Survey control permanent marks shall 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 control marks shall be at least 2 per sheet of subdivision plan. A letter shall also be submitted in conjunction with any final plan of subdivision specifying the AHD level of all permanent marks that have been placed or found.
66. A restriction shall be created over lot No 7030 and 7102 to prevent direct vehicular access to or from Cove Boulevard.
67. A restriction shall be created over lot No 7029 to prevent direct vehicular access to or from Cove Boulevard and Road No 26 other than at the points of access shown in plan No 98044LC02 dated October 1998 by Iain Brammer Landscape Architect.
68. A Restriction as to User shall be placed on the 88B Instrument creating an interallotment drainage easement, not less than 1m wide, over all interallotment drainage pipelines.
69. A Work As Executed Plan shall be submitted to the Principal Certifying Authority by a Registered Surveyor, with the Subdivision Certificate application. As a minimum, the plan shall show:
- a. The extent, depth and final levels of filling,
 - b. The location of all underground service conduits,
 - c. All deviations from the approved Civil Engineering Plans,
 - d. The location of interallotment drainage connections,
 - e. The volume of water quality control ponds,
 - 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.

Public Reserves

70. A strip of land 6.0 m wide adjacent to and for the full length of proposed lots 7001 and 7019 shall be excised from proposed lot No 7029 and dedicated as

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- public reserve. Alternatively, a proposal to partially provide the pedestrian/cycleway link within a public road may be submitted for Council's approval prior to the release of the Subdivision Construction Certificate.
71. Public Reserve areas shall be planted with trees and shrubs to Council's satisfaction and at the applicant's cost. In this regard the applicant shall submit a detailed landscape plan and specifications to the Principal Certifying Authority for approval. Landscaping is to be completed to the satisfaction of the Principal Certifying Authority prior to the registration of the final plan of subdivision. Landscaping shall be maintained for 6 months after the registration of the final plan.
 72. 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.
 73. All allotments adjoining public reserves shall be fenced by the developer prior to the release of the Subdivision Certificate. The fencing shall be timber lap and cap or weldmesh in accordance with Council's fencing code. Alternative materials and fencing style may be considered upon application to and approval by Council.
 74. All areas to be dedicated as public reserve shall be cleared of noxious weeds prior to dedication.
 75. The area around the existing fig trees shall be fenced such as to be quarantined from any construction activity, vehicles or storage of any materials or equipment. The area shall be fenced and quarantined prior to any construction activity commencing on site.

TOWN PLANNING REQUIREMENTS

Landscaping & Site Facilities

76. Street tree planting at the rate of one (1) tree per two allotments shall be carried out on all streets within the development. Such trees shall be advanced trees with a minimum pot size of 50 litres and a nominal height ranging from 2.5 metres to 3.0 metres. In this regard the developer shall submit to Council for approval a list of species to be used. All planting shall be carried out prior to the release of the issuing of the Subdivision Certificate and shall be at the developer's expense.
77. Tree planting on proposed public reserve Lot 7178 shall avoid large trees being planted too close to the proposed residential lots. A minimum of 3 metres from the fence to the planting should generally be maintained.
78. Plant species being used in the landscaping of this stage of the estate shall have regard to the list of native plant species for the study area outlined in Appendix C of the Statement of Environmental Effects lodged with the application.

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79. Full details of the proposed planter boxes in Cove Boulevard shall be submitted to Council for assessment and approval prior to approval of the Subdivision Construction Certificate. These details shall include construction details, materials and shall be integrated with the landscape plan.
80. Existing vegetation in the vicinity of Road No's 702 and 708 and 709 shall be protected during road construction so that minimal adverse impact is caused to these stands of vegetation. Full details as to how this will be achieved shall be submitted for assessment and approval by Council prior to approval of the Subdivision Construction Certificate.
81. Prior to consideration of Stage 7B of this estate, consultation shall be undertaken with Council's Parks & Gardens Department with respect to the integration of Stage 7B with the existing vegetation and riparian corridor and proposed open space network
82. Embellished street furniture similar to that approved in earlier stages of the Shell Cove estate is considered acceptable for Stage 7A.

Bonds & Contributions

83. A contribution under Section 94 of the *Environmental Planning and Assessment Act, 1979*, for the sum of \$6,618.13 per lot, total contribution \$714,758.04 must be lodged with Council prior to the issuing of the subdivision certificate for the provision of community facilities and services in accordance with Council's Fourth Review *Section 94 Contributions Management Plan* dated 22 October 1999 which was prepared in accordance with *Section 94AB* of the *Act*.

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

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

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

Where

C_p = Contribution at date of payment.

C_c = Contribution at date of consent (as specified in the relevant Condition of Consent).

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IPD_p = Latest published *Implicit Price Deflator for Gross Fixed Capital Expenditure – Private Non-Dwelling Construction*, at the date of payment.

IPD_c = Latest published *Implicit Price Deflator for Gross Fixed Expenditure – Private Non-Dwelling Construction*, at the date of granting of consent.

85. Active open space of 4429.6 square metres shall be dedicated as public reserve in accordance with Council's Fourth Review Section 94 Contributions Management Plan dated 22 October 1997, which was prepared in accordance with Section 94AB of the Act.

Alternatively, a cash contribution shall be lodged with Council in lieu of the dedication of 4429.6 square metres of active open space not provided for within the subdivision. The cash payment shall be equal to the average price per square metre of land suited to recreational uses and/or vacant land in the local government area and shall be paid prior to the issuing of the Subdivision Certificate. In this regard, the current cash contribution in lieu of dedication of active open space is \$13 per square metre.

Open Space

86. Details shall be provided with the Subdivision Construction Certificate application for the proposal indicating how the following open space is to be provided for the proposed subdivision:
- i. Parkland – 3796.8 square metres
 - ii. Playground – 1265.6 square metres
 - iii. Active – 4429.6 square metres

in accordance with Council's requirements for the provision of open space. Where the open space is not to be provided within this stage appropriate measures, which may include bonds, shall be submitted to ensure provision of this open space.

General

87. Proposed street names shall be submitted for Council's consideration for all new roads proposed as part of this subdivision. This shall include reasons for or the background/history to the proposed names and an A4 size plan of the street layout with road names attached.
88. No consent is given or implied for any future development on the subject land. Separate development applications shall be submitted for the integrated housing lots, signage for the display village, and the convenience store.
89. Future development of the integrated housing lots will require the Development Applications to comply with Council's Residential Infill Development Control Plan or any other subsequent Development Control Plan.

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90. This consent only relates to Stage 7A. A separate application shall be lodged for consideration of Stage 7B.
91. Details of the range of noise attenuation measures to be incorporated into dwelling house designs to reduce traffic noise to the recommended levels and the means of ensuring that future purchasers are fully aware of these provisions prior to purchase shall be submitted to Council for approval prior to release of the Subdivision Construction Certificate.
92. Details of the mechanism that will ensure that plans submitted to Council for assessment include the required noise attenuation measures shall be submitted to Council for approval prior to release of the Subdivision Construction Certificate.
93. Carparking for the display village shall be provided for 86 car spaces. Council will agree to the provision of 70 carparking spaces in the first instance. Should demand prove that additional carparking on Lot 7029 is required, additional carparking shall be provided to a maximum of 86 car spaces.
94. Landscaping shall be provided to the car park for the display village. The landscaping shall be provided in locations and use species to reduce the adverse visual impact of the car park when viewed from surrounding land. In this respect, a detailed landscape plan and specifications shall be submitted to the Principal Certifying Authority for approval. Landscaping is to be completed to the satisfaction of the Principal Certifying Authority prior to use of the display village.
95. When the display village is closed:
 - a. The layback and footpath crossing servicing the car park within Lot 709 shall be removed and the area restored.
 - b. The concrete or hardwood edge strip, the two coat flush seal and any drainage pipelines and trench grates shall be removed from within Lot 7029.

ENVIRONMENT PROTECTION AUTHORITY'S GENERAL TERMS OF APPROVAL

General

96. **Works to be undertaken in accordance with information supplied to the EPA**
 1. The development must be undertaken in accordance with the proposal contained in:
 - a. The Development Application No. 2313/98 submitted to Shellharbour City Council.

b. Statement of Environmental Effects relating to the development.

2. **Obligation to prevent and minimise harm to the environment**

All practical measures must be taken to prevent or minimise harm to the environment as a result of the construction, operation and where relevant, the decommissioning of the development.

97. **Air**

Dust

1. Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.
2. Facilities and/or equipment must be provided for the application of water to disturbed areas to minimise the generation or emission of airborne dust from any area disturbed by activities associated with the development.

98. **Water**

Stormwater/Sediment Control – Construction Phase

1. A Soil and Water Management Plan (SWMP) must be prepared and implemented which describes the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and water during construction activities. The SWMP must be consistent with the requirements for such plans outlined in Managing Urban Stormwater Soils and Construction (available from the NSW Department of Housing) and must be developed to ensure an environmental performance objective of no greater than 50mg/L of non filtrable residues in discharged waters from sediment retention basins. The SWMP must be prepared in consultation with Department of Land and Water Conservation and EPA.
2. The contents of the sediment retention pond shall be treated with gypsum or similar approved flocculating agent and pump-out commenced within 36 hours of the end of any significant rainfall event.

3. **Stormwater/Sediment Control – Operation Phase**

A Stormwater Management Scheme must be developed and implemented to mitigate the impacts of stormwater runoff from the site following the completion of construction activities. The Scheme must also detail how the management of stormwater from the site links into Council's stormwater management planning currently being undertaken in accordance with EPA direction.

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4. Monitoring Requirements

The EPA will require the monitoring of discharges to water as described in the table below. The type of monitoring, nature of discharge and number of points at which monitoring is required, must be set out in the table.

POINT	POLLUTANT	TYPE OF MONITORING
Pond 4	Non-Filtrable Residue	<ul style="list-style-type: none">• Monitoring prior to discharge• Volume – to determine quantity of treated storm water discharged.• An analysis from a NATA registered laboratory of a representative sample of treated storm water prior to discharge and post flocculation.

99. Noise

1. Hours of Operation

Construction work to be carried out on site shall be limited as follows:

Monday to Friday	7 am to 6 pm
Saturday	7 am to 1 pm
Sunday & Public Holidays	No work allowed.

Works may be conducted between the hours of 1pm and 6pm on Saturdays, subject to the activities being certified by a suitably qualified Acoustical Engineer that any noise generated from those activities is of a nature and level which will not be greater than 5dB(A) above the background noise level at any adjoining residence or other noise sensitive location.

100. Recording and Reporting Requirements

1. Recording of Environmental Performance

A log book shall be maintained detailing daily site inspections of pollution and erosion control facilities and measures and noting any deficiencies and remedial maintenance. Further, the occurrence and quality of all discharge from any sediment retention basin shall be noted and recorded. The log book shall be kept onsite at all times when work is being carried out and shall be produced to any authorised officer of the Council/EPA on demand.

2. The log book as required in Condition 23.1 must be maintained, recording all rainfall events, applications of gypsum, volumes of water discharged and water quality monitoring results.

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3. Reporting Requirements

The analysts certificate as to the result of laboratory analysis of discharged waters must be forwarded to the EPA within 48 hours of sampling.

4. The EPA must be provided within 24 hours prior notice of any intention to discharge from any sediment retention basin.

REASONS FOR THE IMPOSITION OF CONDITIONS

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

SUPPLEMENTARY ADVICE

Prescribed Payment System Tax Obligations

Please note:

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

NOTES:

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

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


2. **Right of Appeal**

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

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

Don Fox Planning Pty Ltd
Development Application No. 2313/98

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



Julia Kaul
Town Planner

On behalf of Brian A Weir, General Manager

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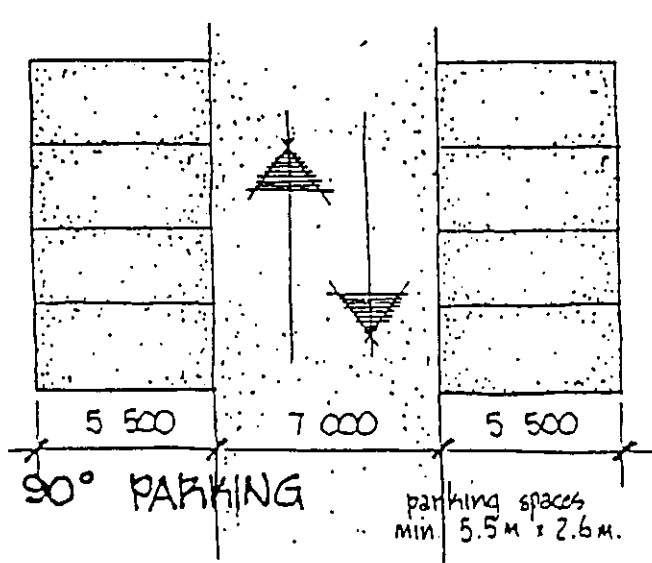
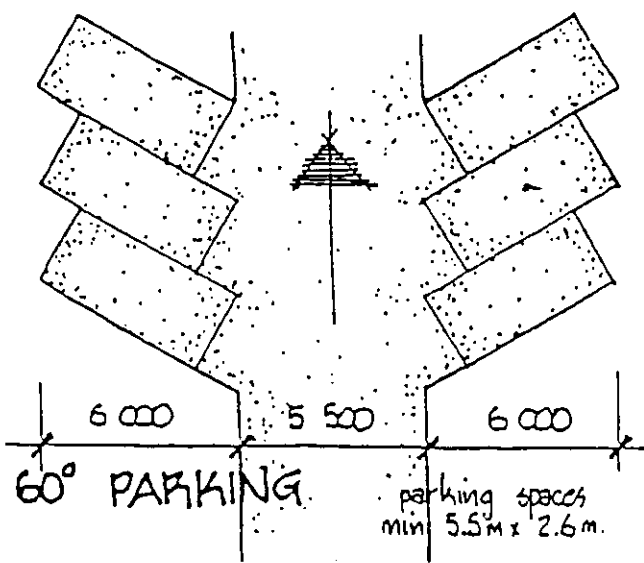
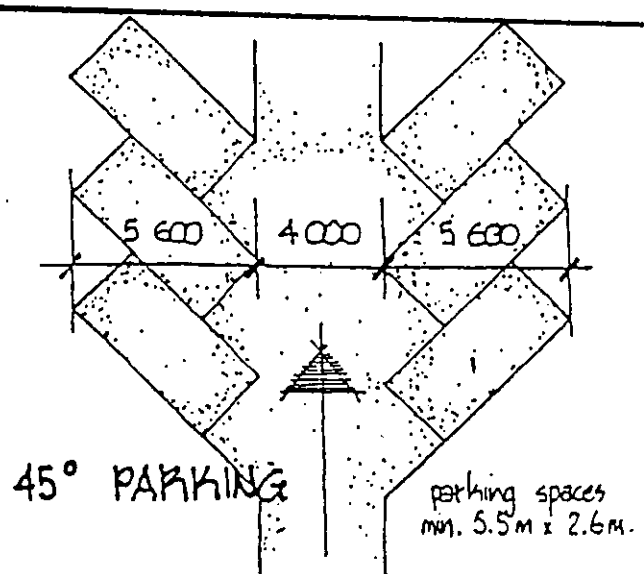
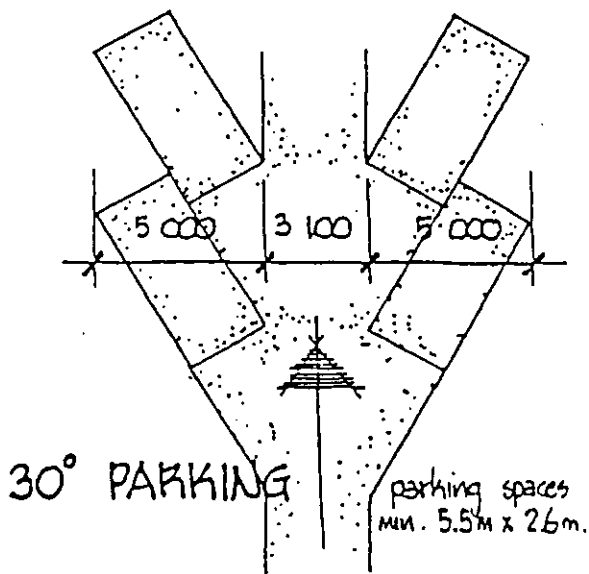
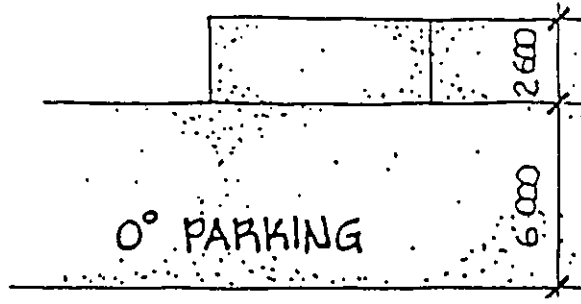
The following plan indicates Council's adopted standards for parking area layouts:-

SHELL HARBOUR CITY COUNCIL
DEVELOPMENT CONSENT
DA No. 2313/98 DATED 13 MAY 1999

Approval has been granted for the development of the site in accordance with the Development Consent issued and the Council is satisfied that the Long Service Levy has been paid where applicable.

(Mr) B A Weir
General Manager

Desirable parking bay dimensions and manoeuvring space for common parking angles.



SHELLHARBOUR CITY COUNCIL

DEVELOPMENT CONSENT

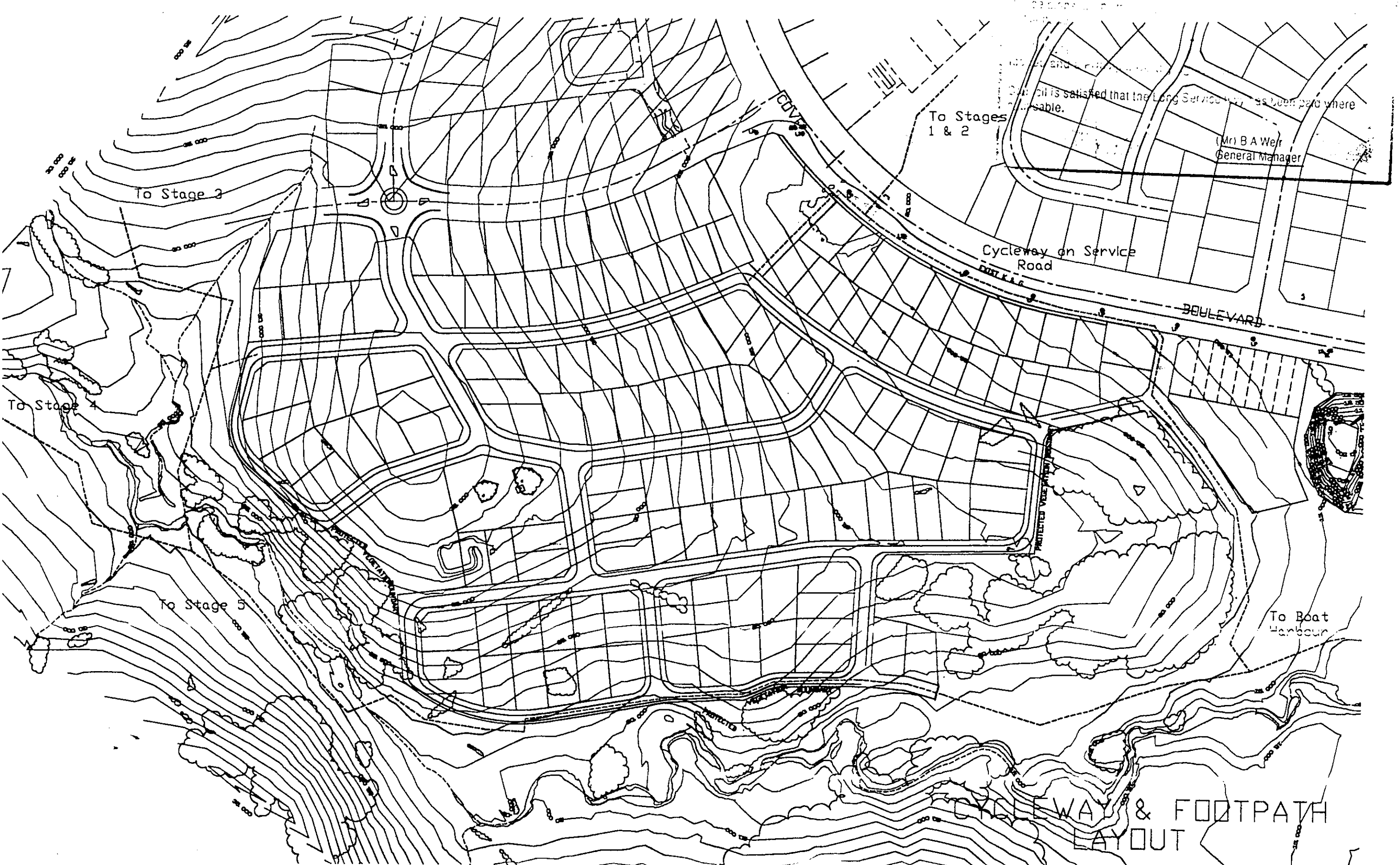
DA No. 33198

DATED 13 MAY 1999

Approval has been granted to the development of the site which includes the layout of the cycleway and footpaths.

The Council is satisfied that the Long Service Way has been paid where possible.

(Mr) B A Weir
General Manager



CYCLEWAY & FOOTPATH LAYOUT