

13 FEB 2003

***Environmental Planning and Assessment Act, 1979,
As amended***
**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**



The Manager
 Australand Holdings
 PO Box A148
 SHELLHARBOUR 2529

Under Section 96 of the Act, notice is hereby given of the determination by the consent authority of the application to amend Development Consent No. 545/2001 relating to the land described as follows:

LOT 1, DP 883196, & LOT 7065, DP 1012373, BUCKLEYS ROAD, SHELL COVE

and being development described as follows:

15 LOT TORRENS SUBDIVISION - 7B1

as shown on the plans endorsed with Council's stamp and attached to Development Consent No. 545/2001 and the footpath plan attached to AMENDED DEVELOPMENT CONSENT NO. 545/2001 (Pt 2).

being modify Condition No. 52.

The Application for Amendment has been determined by the **GRANTING OF AMENDMENT OF CONSENT SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE.**

The conditions of consent are set out as follows:

CONSTRUCTION CERTIFICATE (SUBDIVISION) & PCA NOTIFICATION

1. The person having the benefit of the development consent must:
 - a. Obtain a construction certificate (subdivision) from Shellharbour City Council or an Accredited Certifier (S81A); and
 - b. Appoint a Principal Certifying Authority (S81A).

All communications

addressed to:

GENERAL MANAGER

PO Box 155 Shellharbour Square

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour Square

Email: records@shellharbour.nsw.gov.au

Web: www.shellharbour.nsw.gov.au

ADMINISTRATION CENTRE:

Lamerton House, Lamerton Cres.

Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla



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LEGISLATION

2. The subdivision must be carried out in strict conformity with the plans, specifications and conditions approved by Council.
3. This consent is a development consent under the provisions of the *Environmental Planning and Assessment Act, 1979, as amended*, and it will now be necessary to obtain a Construction Certificate (Subdivision). In this regard, it will be necessary to submit the following:
 - a. An application for a Construction Certificate (Subdivision).
 - b. Four paper prints or copies of the relevant subdivision plan.
 - c. Fees appropriate at the time of submission of the application.

FINAL PLAN

4. 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 the following:
 - i. An application for a Subdivision Certificate.
 - 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 shall be in ISG coordinates and shall 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) shall be completed prior to lodging the plan.
 - iii. Fees appropriate at the time of submission of the application.
5. 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.
6. Telephone service shall be provided to all proposed lots. In this regard the developer shall 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 shall be submitted with the Subdivision Certificate application.
7. 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.

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8. 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.
9. A restriction shall be placed on the 88B Instrument creating an interallotment drainage easement and easement for services, 1m (minimum) wide, over all interallotment drainage pipelines and services. Favourable consideration will be given by Council to remove this easement if services and drainage are mutually exclusive.
10. Corner lots shall have splay corners with the minimum splay being 4.0m back on each boundary.
11. All proposed public reserves, roads, pathways and drainage easements must be dedicated to Council at the time of registration of the subdivision certificate and must ensure that there are no residual lots which would compromise the connectivity of the land to be dedicated in future stages.
12. 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 two per sheet of subdivision plan. A letter shall be submitted in conjunction with any final plan of subdivision specifying the AHD level of all permanent marks that have been placed or found.
13. A satisfactory Work As Executed Plan and documentation shall be submitted to the Principal Certifying Authority by a Registered Surveyor, with the Subdivision Certificate Application. If Council is not the PCA, a copy of these plans must be forwarded to Council.

As a minimum the Works As Executed 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,

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- i. Location of subsoil drainage lines.
- j. The extent and depth of flooding.
- k. Details must be shown for flooding and filling in DXF format with attributes for flooding and fill depths at defined points.

GENERAL

14. 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.

In this regard, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. 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.

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.

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

15. Sydney Water (Illawarra Branch) may require a contribution towards new water and sewerage services or amplification of the existing system for the development, the subject of this consent.
16. As Torrens Title subdivision is proposed Sydney Water should be consulted with regard to the need for separate services to be provided for each lot.

TOWN PLANNING

Bonds & Contributions

17. The following contributions must be paid to Council in accordance with the provisions of Section 94 of the *Environmental Planning & Assessment Act, 1979*, as amended, and Council’s *Fifth Review Section 94 Contributions Management Plan* dated 6 December 2000.

- Community facilities/services - \$60,856.73 (\$4,057.12 per lot)

The whole of the contribution amount of \$60,856.73 must be paid prior to the issue of a Subdivision Certificate adjusted in accordance with Condition No. 19.

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Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued.

The *Fifth Review Section 94 Contributions Management Plan* may be inspected at Shellharbour City Council's offices, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

18. In accordance with the provisions of Council's *Fifth Review Section 94 Contributions Management Plan* (Dated 6 December 2000), 675m² of passive open space is to be dedicated to Council free of cost to cater for the open space needs of this development.

In order to meet this requirement, details of the lot to be embellished and dedicated to Council must be submitted for consideration, when the Subdivision Certificate for this proposal is lodged. This must include details of land above the 1:2 year flood event.

The *Fifth Review Section 94 Contributions Management Plan* may be inspected at Shellharbour City Council's offices, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

19. The Section 94 contribution set out in the above conditions will be recalculated in accordance with movements in the *Chain Price Index for Non-Dwelling Building and Construction* (CP), published by the *Australian Bureau of Statistics*. The recalculation shall be in accordance with the following formula:

$$C_p = C_b \times \frac{CP_p}{CP_c}$$

Where

- C_p = Contribution rate at date of payment.
- C_b = Base contribution rate as specified in Council's *Fifth Review Section 94 Contributions Management Plan*.
- CP_p = Latest published *Chain Price Index for Non-Dwelling Building and Construction* at the date of payment.
- CP_c = Latest published *Chain Price Index for Non-Dwelling Building and Construction*, at 6 December 2000.

ENGINEERING REQUIREMENTS

General

20. All lots shall comply with Council's Residential Development Control Plan unless otherwise varied by this consent.

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21. Road and drainage plans for the subdivision, prepared by a suitably qualified Engineer and in accordance with Council's Standards, shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All road and drainage work shall then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.
22. A site meeting with the Principal Certifying Authority, DLWC, the applicant and the contractor shall be held not less than 7 days prior to the commencement of work on site.
23. A set of approved engineering plans shall be kept on site at all times during the construction phase.
24. 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

25. Interallotment drainage shall be provided to dispose of storm water from those allotments, which do not have fall to a public road.
26. Stormwater drainage and interallotment drainage shall be designed for the critical flood event with an average recurrence interval of 1 in 5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years shall be over public land.
27. The grading and layout of all roads and lots shall be such as to ensure the absence of trapped low points and to ensure that overland flow is passed safely over public land.
28. Stormwater runoff from the subdivision shall be retarded to predeveloped levels for all flood events between the 20% and the 1% annual exceedence probability flood event. Alternatively the applicant shall demonstrate that the development will not result in increased discharge or increased downstream flood levels.
29. The developer shall submit detailed creek works plans and landscape plans together with the flood study for the approval of both Council and DLWC. These plans shall be submitted with the Construction Certificate Application and shall indicate how the existing creek channel will be treated to meet safety requirements and reduce the risk of scour and subsequent 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:

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- a. The effect of the proposed development on down stream properties and proposed measures to ensure downstream properties are not subject to additional flooding as a result of the development,
 - b. Proposed measures to stabilise any bank and bed scour in the existing stream,
 - c. Proposed treatments to prevent further bank and bed scour in the existing stream resulting from urban development,
 - d. 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,
 - e. Flow velocities together with extent of the area inundated by the 1 in 100 year ARI flood,
 - f. Proposed measures to prevent litter from being washed into the watercourse from the proposed development.
30. The impact of the Probable Maximum Flood (PMF) in relation to the performance of all overflow paths and its impact on filled areas and finished floor levels shall 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
31. A Flood Evacuation and Disaster Management Plan is to be prepared in consultation with the SES and this shall be incorporated into Council's DISPLAN and shall include impact considerations of the Farm Dam, Major Detention Basin No. 1 and Watercourse No. 1 including PMF. Details to be submitted with the Subdivision Construction Certificate Application
32. 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'.
33. 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 final plan of subdivision or placement of final seal on roads, which ever occurs earlier. Damaged pipes shall either be replaced or repaired to Council's satisfaction prior to the release of the final plan of subdivision.
34. All allotments shall be constructed at or above the 1 in 100 year ARI flood level. All allotments within 500 mm of the 1 in 100 year ARI flood level shall have a restriction placed on the 88B Instrument specifying a minimum floor level of 500 mm above the 1 in 100 year ARI flood level. All levels must be to AHD.

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Alternatively all lots shall be filled to a level 500 mm above the 1 in 100 year ARI flood level.

35. Prior to lodging the Construction Certificate Application and engineering plans, the applicant shall arrange a meeting with Council's Subdivision & Development Officers at which the applicant shall demonstrate that the engineering plans and Construction Certificate Application are complete and comply with Council's design standards and this Development Consent. Should the Construction Certificate Application or engineering plans be incomplete, Council will reject the Application and engineering plans.

Road Standards

36. All roads and road intersections within the development shall have sight distance provided in accordance with AUSTRROADS requirements.
37. The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features 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.
38. Road No's 703 & 704 shall be constructed with a 6.0m wide carriageway within a road reserve 12.0m wide.
39. Road No's 711 shall be constructed with a 3.5m wide carriageway within a road reserve 8.0m wide. Parking spaces shall be provided along the shareway at the rate of one space per three dwellings.
40. Kerb returns at intersections shall be constructed with a radius of not less than 6.0 m. In this regard the design of kerb returns shall meet the objectives of the AMCORD guidelines.
41. 150mm barrier kerb and gutter shall be provided in roads adjacent to proposed public reserves. 110mm Roll Top kerb and gutter shall be provided elsewhere within the development.
42. All street intersections within the development shall have site distance provided in accordance with AUSTRROADS' requirements.
43. The pavement design for the proposed roads 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" and AUSTRROADS "A guide to the Structural Design of Road Pavements", 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 engineering plans.

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44. Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill shall 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.
45. 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.
46. Insitu density tests shall be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.
47. Benkelman beam testing on all new internal subdivision roads shall be performed in a manner satisfactory to Council prior to final plan release. Council's acceptance criteria is based on the tolerable deflections given in Figure 29 of ARRB Special Report No 41 "Into a New Age of Pavement Design" and AUSTRROADS "A guide to the Structural Design of Road Pavements".
48. 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.
49. All thresholds/traffic calming shall be designed in accordance with appropriate standards and guidelines, taking into account the requirements set by RTA Technical Direction 98/6.
50. A sign and linemarking diagram including recommended speed zonings shall be submitted for consideration to the Local Traffic Committee prior to the release of the construction certificate.
51. Work shall not be carried out within any existing Public Road Reserve unless a Road Opening Permit under the Roads Act, 1993 has been issued by Council for every opening of the public reserve. An application fee of \$64 applies as per Council's Revenue Policy.

Footpaths and Cycleways

52. The developer shall submit a footpath/cycleway plan for the development, for Council's approval, in conjunction with the Construction Certificate. In this regard, a 1.2m wide concrete footpath should be constructed along the southern side of Southern Cross Boulevard between Hinchinbrook Drive and Killalea Drive. Footpaths/cycleways shall be constructed in accordance with the approved plans at no cost to Council.

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53. Disabled access ramps shall be provided for all intersections of the pathways with a public road in accordance with AS 1428.1-1995 or subsequent amendment. The location of the disabled access ramps and the crossing point shall be reviewed 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 intersection.

Geotechnical

54. A Geotechnical Engineer's report shall be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report shall be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and shall include:
- a. certification of compaction densities and the stability of all filling,
 - b. the classification of each lot in accordance with the Australian Standard 2870- Residential Slabs and Footings,
 - c. the classification of each lot in relation to risk of slope instability, and
 - d. the required site preparation and construction constraints within the building envelope of each lot appropriate to the assessed risk of slope instability.
55. All lot and site filling shall be performed under level 1 Geotechnical supervision in accordance with AS3798-1990.

Sediment Control and Water Quality Control.

56. The developer shall submit a 'Soil and Water Management Plan' for the subdivision which has been endorsed by the Catchment Manager, Wollongong, Department of Land & Water Conservation and the Environmental Protection Authority. The plans shall generally be prepared in accordance with the Department of Housing's publication "Managing Urban Stormwater - Soils and Construction (1998)" and the former Department of CALM's publication "Urban Erosion and Sediment Control". A copy of the Soil and Water Management plan, endorsed by the Catchment Manager, Wollongong, DLWC, shall be lodged prior to the release of the Construction Certificate. The Soil and Water Management Plan shall include:
- a. A programme for the progressive stabilisation of the site;
 - b. A programme for the treatment/flocculation of sediment ponds including time frames and proposed chemical dosage;
 - c. Specific measures to control dust generated as a result of construction activities on site.

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57. Temporary sediment ponds shall be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
58. 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 Soil and Water Management Plan. This bond shall be in the form of an irrevocable bank guarantee made out in favour of Council, and shall operate as follows:
 - a. The bond shall be submitted to Council prior to the release of the engineering plans for the subdivision.
 - b. The bond shall 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 shall be substantially commenced within 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.
59. The developer shall obtain a Part 3A permit from the Department of Land and Water Conservation under the Rivers and Foreshores Protection Act. The documentation supporting the application for a Permit should include a copy of the Soil and Water Management plan and a catchment wide strategy to address the hydrological and water quality changes in all watercourses within the Shell Cove development. A copy of the 3A permit shall be made available to Council prior to the release of the Construction Certificate.
60. 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 Environmental Protection Authority and the Department of Land and Water Conservation.
61. The developer shall 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 and landscaping. Evidence of the undertaking shall be submitted to the Principal Certifying Authority with the Subdivision Certificate Application.

Noise Exposure

62. Detail design plans of the attenuation measures, including sound barriers and facade treatments, shall be submitted in conjunction with the Construction Certificate Application.

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Certification of the design by a qualified acoustic consultant, that the acoustic attenuation measures will achieve the noise level required by the EPA Industrial Noise Policy in accordance with the "Assessment of Environmental Noise Impacts of Quarry Haul Road" report by Acoustic Logic Consultancy Pty Ltd, shall also be submitted in conjunction with the Construction Certificate Application.

Public Reserves

63. 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 Council for approval. Landscaping is to be completed to Council's satisfaction prior to the registration of the final plan of subdivision. Landscaping shall be maintained for 6 months. The landscaping plans, the civil design plans and noise attenuation barrier details shall be designed and assessed concurrently and neither shall be approved in isolation.
64. 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.
65. All allotments adjoining public reserves or the school site shall be fenced by the developer prior to the release of the final plan of subdivision. The fencing shall be timber lap and cap or weldmesh in accordance with Council's fencing code. Alternative materials may be considered upon application to and approval by Council.
66. All areas to be dedicated as public reserve shall be cleared of noxious weeds prior to dedication.

Street Lighting

67. All street lighting must comply with Integral Energy Street Lighting Policy and illumination requirements. Plan to be submitted to council prior to the release of the construction certificate

Street Names

68. 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:

- Reasons for/or background/history to the names and estate theme.
- An A4 size plan of the street layout with proposed names and road numbers if applicable.

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- Fees in accordance with Council's Revenue Policy.

DEPARTMENT OF LAND & WATER CONSERVATION (DLWC)

Integrated Development

69. The Department of Land & Water Conservation (DLWC) has determined that a 3A Permit is required in relation to this development.
70. Documentary evidence is required to be submitted to Council detailing receipt of the 3A Permit prior to the release of the Construction Certificate.

General Terms Of Approval (GTA)

71. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by DLWC.
72. The Part 3A permit will be issued upon application to the DLWC comprising:
 - A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (three copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in Council's consent conditions; and
 - The appropriate permit fee paid to DLWC.
73. Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
74. Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least one month prior to the permit expiry date.
75. Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
76. Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
77. Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.

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78. All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
79. No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
80. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
81. The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
82. The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
83. These conditions are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
84. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
85. The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
86. The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
87. Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
88. Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
89. Work as executed survey plans of a professional standard shall be provided to DLWC upon request.

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90. If, in the opinion of a DLWC office, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
91. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
92. If works are to cease prior to completion, DLWC must be notified in writing one month in advance of the cessation of the operation.

Conditions Specific to DA 545/2001

93. Watercourse planning and design is required. Plan or equivalent documentation detailing stream and riparian management measures inclusive of vegetation management measures are to be prepared by a person or persons with professional qualifications, knowledge and experience in management of streams and stream rehabilitation practices. Plans or equivalent documentation are to be submitted to DLWC for approval with the Part 3A permit application. These plans or documents shall address the following points and be in accordance with, but not limited to, the *draft guidelines for watercourse planning and design (Attachment A)* and the "Statement of Environmental Effects" by Don Fox Planning dated August 2001.
 - a. Plans showing in detail the **existing** creek channel, riparian zone, vegetation and geomorphic features;
 - b. If any modification of the channel is proposed, provide plans showing in details the **proposed** creek channel, riparian zone, vegetation and geomorphic features;
 - c. Detailed plans of any proposed channel modification and stabilisation works and how they are to be undertaken.
 - d. A longitudinal section of the existing and proposed creek bed in sufficient detail to identify any changes in bed level and hydraulic features (ie. pools and riffles);
 - e. Details of any existing and any proposed stormwater discharge points into the riparian corridor or stream;
 - f. Details of the design and location of proposed water quality control devices that will treat stormwater outside of, and prior to, discharge into the riparian zone and/or stream;

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- g. Cross-sections of the stream and riparian zone showing both existing and proposed ground surface levels;
- h. Details on the staging or sequencing of the proposed works;
- i. Contingency measures in the event of flooding during construction;
- j. **Vegetation Management** is a key component of the riparian management planning and information presented must address the following:
 - Methods of weed removal and control – all exotic vegetation should be removed in a staged manner;
 - Enhancement of existing native riparian vegetation by bush regeneration practices;
 - Revegetation – using endemic native plant species, location, structure and floristic composition, methods for planting, site preparation and site stabilisation;
 - Site and vegetation maintenance requirements including the establishment phase (and longer term requirements);
 - Aquatic and semi-aquatic plant species (including location and planting density);
 - Priority, staging and sequencing details for above tasks (eg Gantt chart); and
 - A monitoring and performance evaluation program (including replacement of plant losses).
- k. The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the 3A permit.

Riparian Zone and VMP

94. A riparian zone is to be established from the top of the bank of the stream in accordance with Section 5.7 of the Statement of Environmental Effects dated August 2001. The riparian zone is to consist of a diverse range of native plant species local to the area and is to be densely planted and fully structured (ie. trees, shrubs and groundcovers). Trees and shrubs are to be planted at approximately equal numbers at an average density of one plant per square metre. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to trees and shrubs.

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95. A *Vegetation Management Plan* (VMP) must be prepared by a person with knowledge and experience in bush regeneration and the establishment and maintenance of native vegetation. The VMP must be prepared in accordance with the DLWC guidelines on *How to Prepare a Vegetation Management Plan* (Attachment B) in consultation with and with the approval of DLWC prior to the issue of the 3A permit. The VMP is to fully address all issues relating to the establishment and maintenance of the riparian zone. The VMP shall contain a costing for its full implementation, including maintenance for a period of not less than two years after the date of the final planting. Details must also be provided on the method and timing of decommissioning any temporary soil and water management controls and the rehabilitation of the affected areas.
96. The person or organisation responsible for implementing the VMP must certify in writing to DLWC that the riparian zone has been established using plants propagated from seeds collected from native plants local to the area.
97. Local seed must be collected under any necessary approvals required from NSW National Parks and Wildlife Service.
98. The area covered by the VMP must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment.
99. A brief and concise report addressing the performance criteria as specified in the VMP and any problems implementing the VMP, and the means to overcome these, is to be forwarded to DLWC every six months for the duration of the maintenance period.
100. *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit**. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
101. The development must proceed in accordance with the SR&VMP (*or VMP*), the S&WMP and any ASSMP.
102. Any changes to plans/drawings are to be prepared in consultation with and require the approval of DLWC.

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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.

13 DEC 2001

Endorsement of date of consent.....

NOTES:

1. This amended Development Consent replaces the consent originally given to you and any other amendment.
2. Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice of \$600 being issued against the owner/applicant/builder.
3. If you are unsure of the date, which this consent becomes valid, refer to Section 83 of the Act.
4. To find out the date this consent will lapse, refer to Section 95 of the Act.
5. If you are dissatisfied with any decision of this consent, then you have the right to appeal to the Land & Environment Court.

You must do this within 60 days after the receipt of this notice.

1. Even though this consent is issued under the *Environmental Planning and Assessment Act, 1979*, the provisions of a restrictive covenant, agreement, instrument or other statutory provision may prevent the development which is the subject of this consent. You may wish to seek independent legal advice in this regard prior to acting on the consent.

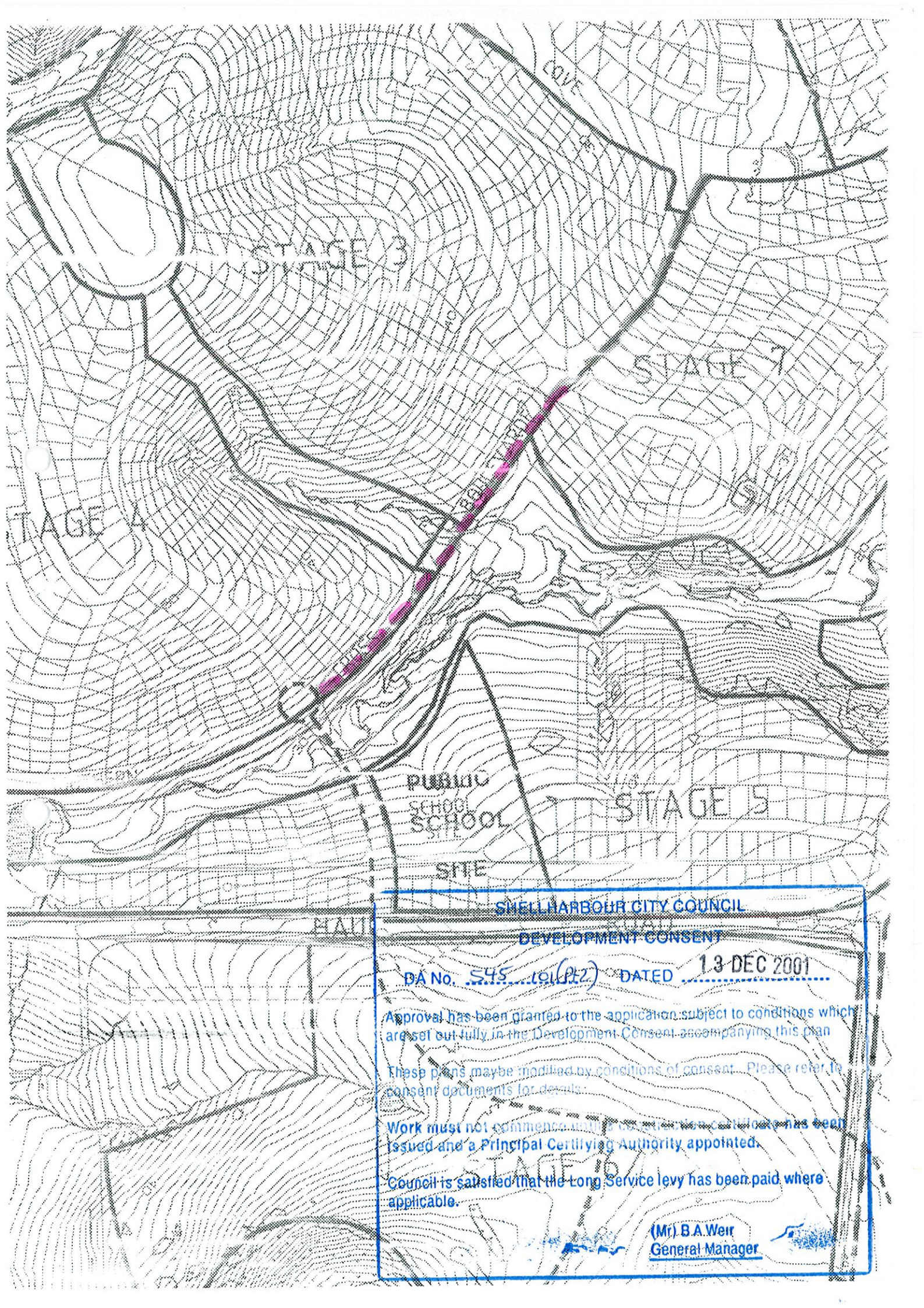
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2. You are advised that the plans and conditions of this consent must be complied with and you may only vary them if you make a written application, pay the correct fee and we give you written approval to amend the application.



Graham H Mitchell
Manager, Development Services

on behalf of Brian A Weir, General Manager



SHELLHARBOUR CITY COUNCIL

DEVELOPMENT CONSENT

DA No. 545 101 (Pt 2) DATED 13 DEC 2001

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

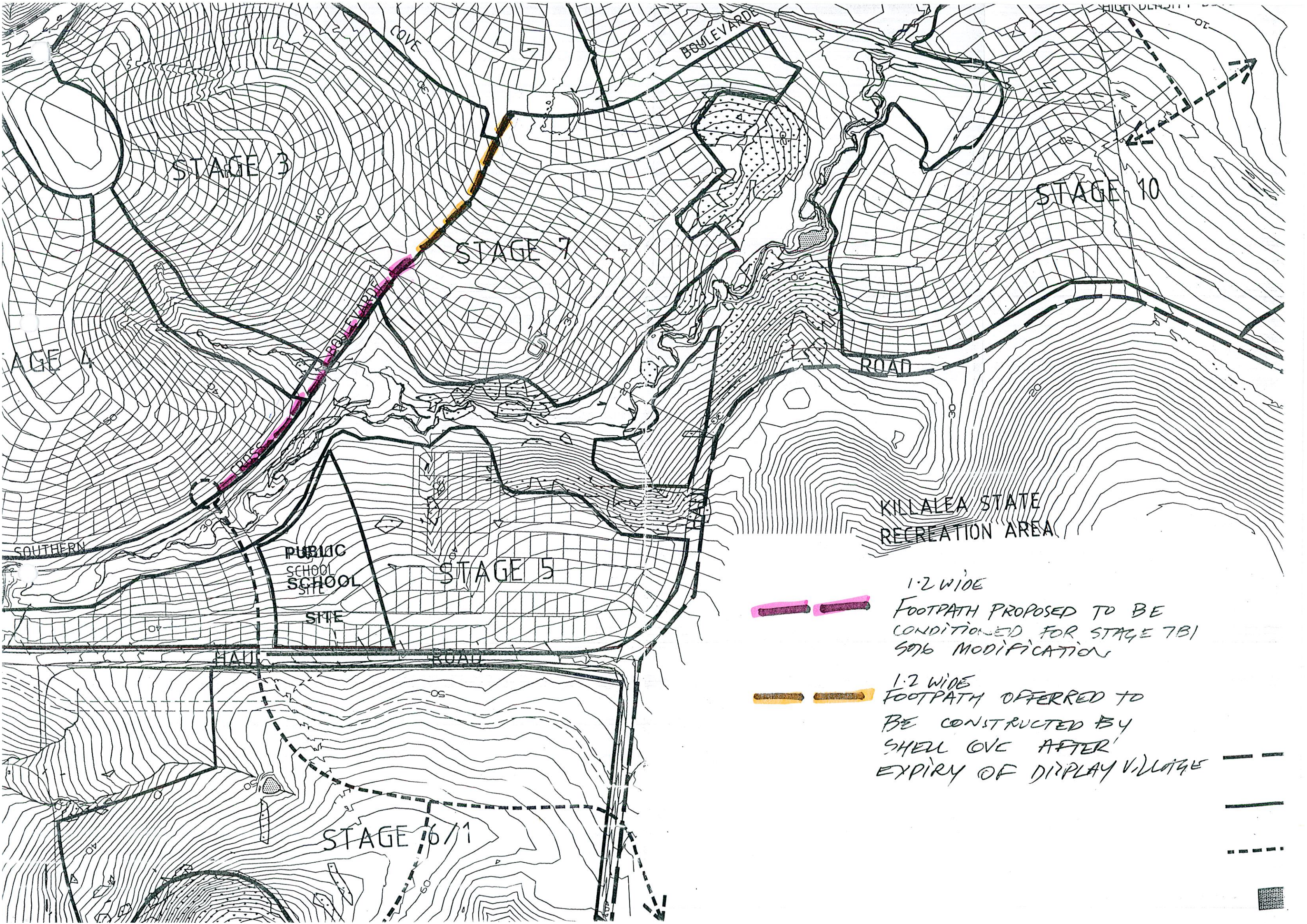
These plans may be modified by conditions of consent. Please refer to consent documents for details.

Work must not commence until a Resource Consent Certificate has been issued and a Principal Certifying Authority appointed.

Council is satisfied that the Long Service Levy has been paid where applicable.

(Mr) B.A.Werr
General Manager





STAGE 3

STAGE 7



STAGE 10

PUBLIC SCHOOL SITE

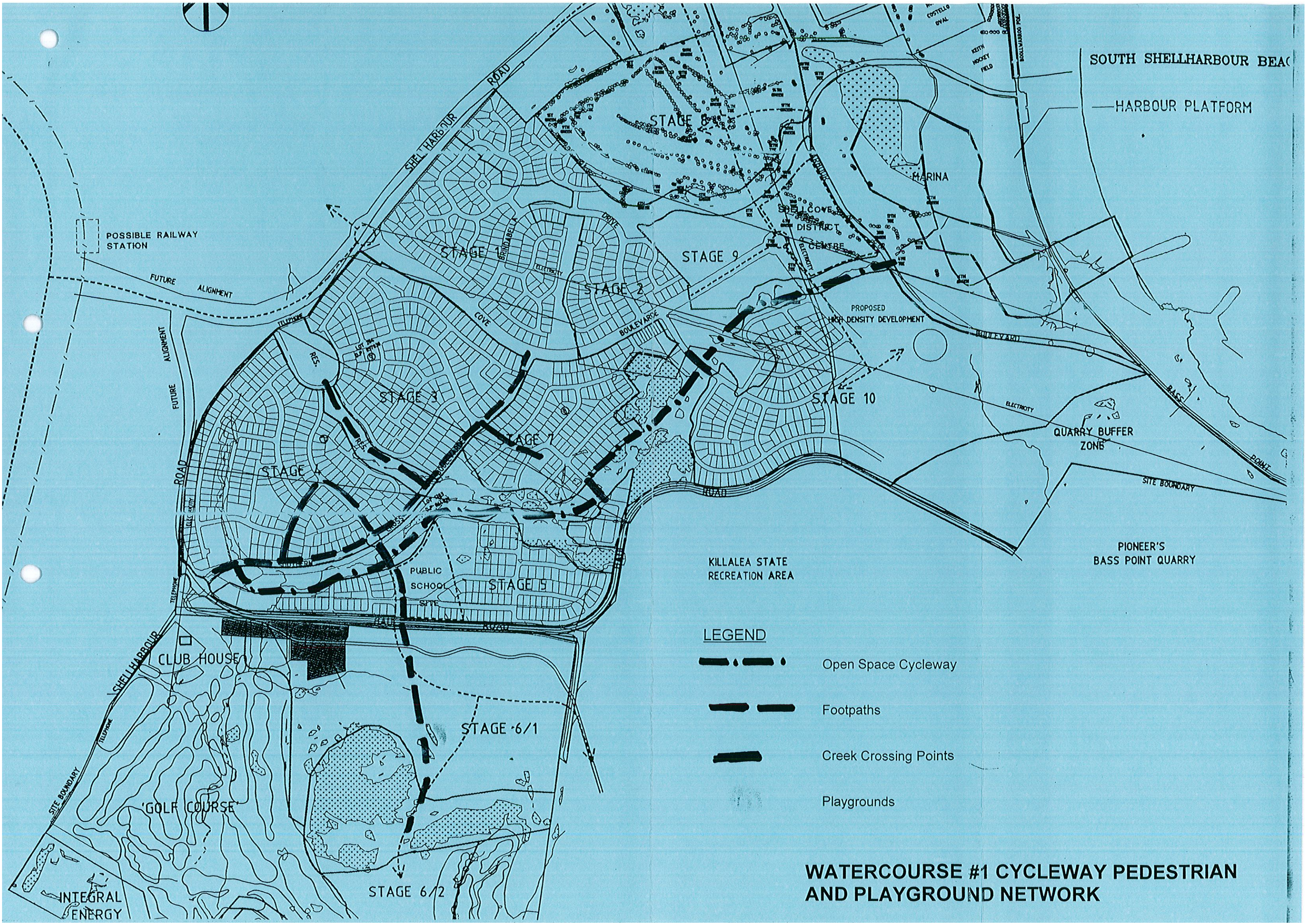
STAGE 5

STAGE 6/1

KILLALEA STATE RECREATION AREA

-  1.2 WIDE FOOTPATH PROPOSED TO BE CONDITIONED FOR STAGE 7B1 S076 MODIFICATION
-  1.2 WIDE FOOTPATH OFFERED TO BE CONSTRUCTED BY SHELL COVE AFTER EXPIRY OF DISPLAY VILLAGE





SOUTH SHELLHARBOUR BEACH
 — HARBOUR PLATFORM

POSSIBLE RAILWAY STATION

FUTURE ALIGNMENT

FUTURE ALIGNMENT

TELEPHONE

TELEPHONE

'GOLF COURSE

INTEGRAL ENERGY

SHELLHARBOUR ROAD

STAGE 1

STAGE 8

STAGE 9

STAGE 2

STAGE 3

STAGE 7

STAGE 10

STAGE 4

STAGE 5

STAGE 6/1

STAGE 6/2

PUBLIC SCHOOL SITE

CLUB HOUSE

MARINA

DISTRICT CENTRE

PROPOSED HIGH DENSITY DEVELOPMENT





QUARRY BUFFER ZONE

SITE BOUNDARY

PIONEER'S BASS POINT QUARRY

KILLALEA STATE RECREATION AREA

LEGEND

-  Open Space Cycleway
-  Footpaths
-  Creek Crossing Points
-  Playgrounds

WATERCOURSE #1 CYCLEWAY PEDESTRIAN AND PLAYGROUND NETWORK