

14 MAY 2004

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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



TO: Mr G Colquhoun
Australand Holdings Ltd
PO Box A148
SHELLHARBOUR 2529

Being the applicant of Development Application No. 947/2002 for consent to the following development:

PLACEMENT OF CLEAN FILL ON SITE TO CREATE A LANDSCAPE MOUND

LOT 22, DP 1010797 & LOT 206, DP 857030, BOOLLWARROO PARADE, SHELL COVE

BUILDING CODE OF AUSTRALIA

BUILDING CLASSIFICATION: Not Applicable

14 MAY 2004

Determination date of consent

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

DEFERRED COMMENCEMENT CONDITION

1. This consent shall not operate until such time as the developer has, to the satisfaction of the Council of the City of Shellharbour, provided information and received subsequent approval to:
 - The redesign the western portion of the landscape mound so that it does not encroach onto the Quarry Buffer Area (Lot 206, DP 857030), but is contained wholly within Lot 22, DP 1010797.

OPERATIONAL CONSENT CONDITIONS

CONSTRUCTION CERTIFICATE & PCA NOTIFICATION

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

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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- a. Obtain a construction certificate from Shellharbour City Council or an Accredited Certifier (S81A); and
- b. Appoint a Principal Certifying Authority (S81A).

LEGISLATION

3. The landscape mound must be erected in strict conformity with the plans, specifications and conditions approved by Council and in compliance with the requirements of the Environmental Planning Instruments.

BUILDING COMPLETION

4. All conditions of consent must be complied with. The Principal Certifying Authority must issue a certificate verifying all conditions have been satisfied.
5. The applicant shall not dispose of any contaminated landfill associated with the Shell Cove development within the landscape mound.

EASEMENTS

6. No part of any work shall encroach onto any easement.

HOURS OF WORK DURING CONSTRUCTION

7. Any work must be carried out between 7.00am and 5.00pm, Monday to Friday and 7.00am and 1.00pm Saturdays. No work Sundays or Public Holidays. These hours can only be varied with the prior written consent of Council in consultation with the Environment Protection Authority.

General

8. The landscape mound must be designed in accordance with the 'Report on Geotechnical Investigation' by Douglas Partners (Dated August 2002, Project 25699A-3).
9. The shape and height of the mound must be in accordance with the Drawing Nos. 01104-601 Rev A to 01104-605 Rev A (inclusive) dated 17/9/01 and prepared by Development Consulting Pty Ltd. Neither Pioneer Construction Materials Pty Ltd nor any other body is permitted to add excavated material to the mound.
10. Drainage plans for the site prepared by a suitably qualified Engineer and in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All drainage work must then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.

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11. 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.
12. Construction inspection fees must be paid by the applicant prior to the commencement of work on site. The fees payable must be that applicable at the time of commencement of work on site.
13. A site meeting with the Principal Certifying Authority, Department of Infrastructure, Planning and Natural Resources (DIPNR), the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.
14. A set of approved engineering plans must be kept on site at all times during the construction phase.

Drainage

15. A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must be to the satisfaction of the Principal Certifying Authority and indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels, estimated flow rates, invert levels and sizes of all pipelines.

Note: Galvanized steel pipe, sewer grade UPVC pipe or "Corflow" spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter.

16. A satisfactory Work as Executed Plan and documentation must be submitted to Council by a Registered Surveyor, upon completion of all works and prior to release of any bonds. As a minimum the Work as Executed Plan must show:
 - a. The extent, depth and final levels of filling together with certification by a geotechnical engineer that the filling has been performed in accordance with the plans and specifications.
 - b. All deviations from the approved Civil Engineering Plans.

Sediment Control and Water Quality Control

17. The developer must submit a "Soil and Water Management Plan" for the site which has been endorsed by the Catchment Manager, Wollongong, Department of Infrastructure, Planning and Natural Resources (DIPNR) and the Environment Protection Authority. The plans must 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, DIPNR, must be lodged prior to the release of the Construction Certificate. The Soil and Water Management Plan must include:

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- a. A programme for the progressive stabilisation of the site;
 - b. A programme for the treatment/flocculation of temporary sediment ponds including time frames and proposed chemical dosage;
 - c. Specific measures to control dust generated as a result of construction activities on site.
18. Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
19. The developer must lodge a bond in the amount of \$25,000 to ensure compliance with erosion and sediment control measures incorporated in the approved Soil and Water Management Plan. This bond must be in the form of an irrevocable bank guarantee made out in favour of Council, and must operate as follows:
- a. The bond must be submitted to Council prior to the release of the construction certificate for the development
 - b. The bond must be held by Council until the completion of all engineering works.
 - 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 forty-eight hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, to undertake such measures as deemed necessary and fund these works from the bond guarantee.

Geotechnical

20. All site filling must be performed under Level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments, unless otherwise agreed in writing by Council.
21. A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority upon completion of each bench. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include the certification of compaction densities and the stability of all filling.

Landscaping

22. The applicant must submit a detailed landscape plan and specifications to Council for approval. Landscaping is to be completed to Council's satisfaction prior to the release of any bonds. The landscaping plans and the civil design plans must be designed and assessed concurrently and neither approved in isolation.

23. Prior to release of the construction certificate, the developer must lodge a bank guarantee of \$12,000 with Council. The deposit must be held by Council to ensure the completion of the landscaping work and also to cover any defects, which may arise during a maintenance period. This maintenance period will cover a six month period commencing from the date upon which notification is issued by the Principal Certifying Authority that the landscaping works have been completed. It is the responsibility of the developer to notify the Principal Certifying Authority for a reinspection at the conclusion of the maintenance period.
24. Prior to the release of the construction certificate, the developer must lodge with Council, an administration and inspection fee totalling \$220, which includes GST, for the purpose of the landscape inspection following completion of the maintenance period referred to in Condition No. 23.
25. The landscaping of the mound shall be maintained on a regular basis to eradicate the spread of *Bitou bush* and *Blackberry*.

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

1. This development consent is subject to the prescribed conditions under Part 7 of the *Environmental Planning & Assessment Regulation 1998*.
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. INSPECTIONS DURING CONSTRUCTION

Notify the Principal Certifying Authority in advance – 48 hours in writing or 24 hours by phone, to inspect the following where applicable:

- i. placement of piers or foundation before placing footings;
- ii. steel reinforcing before pouring concrete;
- iii. the dampcourse level, antcapping and floor timbers before the floor is laid;
- iv. framework of structure before flooring, lining or cladding is fixed;
- v. the completed building prior to use or occupation.

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NOTES:

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

2. **Right of Appeal**

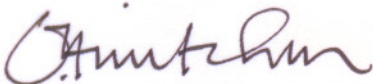
If you are dissatisfied with this decision, Section 97 of the *Environmental Planning & Assessment Act 1979*, gives you the right to appeal to the Land & Environment Court within 12 months after the date on which you receive this notice

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.

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

4. **Prescribed Payment System Tax Obligations**

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



Graham Mitchell
Manager, Development Services

On behalf of Brian A Weir, General Manager