



RECEIVED 7 DEC 2009

All communication addressed to:
General Manager
Shellharbour City Council
PO Box 155, Shellharbour City Centre
NSW 2529

PHONE: 02 4221 6111
FAX: 02 4221 6016
DX 26402 Shellharbour City Centre
EMAIL: records@shellharbour.nsw.gov.au
WEB: www.shellharbour.nsw.gov.au

Australand Corporation (NSW) Pty Ltd
PO Box A148
SHELLHARBOUR 2529

- 3 DEC 2009

Attention: Mr Glen Colquhoun

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

Being the applicant of Development Application No. 251/2009 for consent to the following development:

**TORRENS TITLE SUBDIVISION [STAGE 8B SHELL COVE] COMPRISING 82
RESIDENTIAL LOTS, 1 LARGE LOT, 1 RESERVE & 4 RESIDUE LOTS**

**LOTS 8100 & 8118 DP 1082981 SLOOP & GALLEON AVENUES
LOT 9004 DP 1117743 SHALLOWS DRIVE
LOT 1 DP 584291 ADDISON STREET
SHELL COVE**

Determination date of consent..... - 1 DEC 2009

In accordance with Section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT A JOINT REGIONAL PLANNING PANEL held 19 November 2009 (Item No. 4.1 JRPP No. 2009STH006) SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.

PART A – ADMINISTRATIVE CONDITIONS

**A1 Construction Certificate (Subdivision) & PCA Notification
Environmental Planning & Assessment Act 1979 Section 81A**

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

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

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

ADMINISTRATION
CENTRE:
Lamerton House
Lamerton Crescent
Shellharbour City
Centre

COUNCIL MEETING
CHAMBER:
Cnr Shellharbour
& Lake Entrance
Roads, Warilla

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A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

The development must be in accordance with the following except as modified by conditions of this consent.

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Subdivision Plan	BMD Consulting	CS-0193-DA01 Rev E	08 / 10 / 2009
Subdivision Plan	BMD Consulting	CS-0193-DA04 Rev A	20 / 10 / 2009

A4 Easements

Structures must not encroach onto any easement.

A5 Staging of Development

Building work shall be staged as follows, unless otherwise approved by Council in writing:

Stage 1 - lots 8201 to 8246 inclusive

Stage 2 - lots 8253 to 8268 inclusive and lot 8283

Stage 3 - lots 8250 to 8252 inclusive, lots 8269 to 8282 inclusive and lots 8247 to 8249 inclusive.

All conditions of this consent apply to each stage, where relevant.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)

B1 Sydney Water 'Notice of Requirements'

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.

A Section 73 compliance certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised water servicing coordinator. Please refer to the '*Building Developing & Plumbing*' section of the web site www.sydneywater.com.au then refer to '*Water Servicing Coordinator*' under '*Developing your Land*' or telephone 13 2092 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to the Subdivision Construction Certificate being issued.

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B2 Controlled Activity Approval – NSW Office of Water

The applicant must obtain a Controlled Activity Approval under the *Water Management Act 2000* from the NSW Office of Water.

Application forms for a Controlled Activity Approval are available from the Department or the Department's website www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml
The Controlled Activity Approval must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Construction Certificate.

B3 Landscape Works

Street tree planting and landscaping of public reserves must be undertaken by the developer to Council's satisfaction and at the developer's cost. In this regard, two copies of a landscape plan prepared by a Landscape Architect must be submitted to and approved by Council prior to the issue of the Subdivision Construction Certificate. The time schedule for street tree planting must be detailed on the landscape plan. The landscape plan must be prepared in accordance with Council's *Landscape Guidelines Development Control Plan*, available from Council's Customer Service or can be downloaded from Council's website.

The public reserve should include one large feature tree.

The landscaping plans and the civil design plans must be designed and assessed concurrently and neither will be approved in isolation.

B4 Road & Drainage Plans

Road and drainage plans, prepared by a suitably qualified Engineer, in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. All road and drainage work must then be constructed in accordance with Council's construction Standards and approval at no cost to Council.

B5 Road Standards & Design

All roads and road intersections within the development must have sight distance provided in accordance with AUSTRROADS requirements.

The geometric design of all roads, traffic facilities, intersection treatments, mid-block devices and entry features must be such as to permit a 12.5m single unit truck to manoeuvre in order to enter and leave each road traveling in a forward direction and without leaving the carriageway. Details to be submitted with the Construction Certificate Application.

The vertical and horizontal alignment of all streets and all street intersections within the development must have sight distance provided in accordance with 'AUSTRROADS' requirements.

The pavement design for the proposed roads must be carried out by a qualified Geotechnical/Civil engineer in accordance with ARRB Special Report No 41 "Into a New Age of Pavement Design" and AUSTRROADS "A guide to the Structural Design of Road Pavements", based on test results undertaken by a NATA registered laboratory. The pavement design must be submitted to Council for approval prior to the laying of pavement material.

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B6 Road Pavement Design

The engineering construction drawings must contain all details of the proposed pavement design. Details of the final layer (ie 2 x 20mm layers or 1 single 30mm layer) and the timing of its placement must be included in the engineering drawings.

B7 Sign & Linemarking Diagram

A sign and linemarking diagram including recommended speed zonings must be submitted for consideration to the Local Traffic Committee prior to the release of the Construction Certificate.

B8 Sediment Control & Water Quality Control

The developer must submit a 'Soil and Water Management Plan' to the Principal Certifying Authority for approval prior to the release of the Subdivision Construction Certificate. The Soil and Water Management Plan must 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.

Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.

Runoff from the subdivision must be drained through water pollution control facilities so that the quality of the water discharging into the receiving waters downstream of the facility meets the requirements of the Environment Protection Authority and the Department of Infrastructure, Planning & Natural Resources.

B9 Drainage Design

A detailed drainage design of the site must be submitted and approved prior to commencement of work. The plan must be generally in accordance with plan prepared Worley Parsons (ref no 30105-01089, dated 20 July 2009). The plan must indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

The detailed stormwater design must cater for the safe passage of overland flow for the 1% AEP storm event.

B10 Interallotment Drainage

Inter-allotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to the street to which the lot fronts.

B11 Drainage Design – Critical Flood Event

Stormwater drainage and inter-allotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1 in 5 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by

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the critical flood event with an average recurrence interval of 1 in 100 years must be over public land.

B12 Stormwater Pollution Control Facilities

The developer must install litter interception measures at the stormwater outlets from the site. All costs associated with the installation of the litter interception measures must be borne by the developer. The proposed litter interception measures must have all of the following characteristics:

- a. Treat not less than 95% of the catchment for the design stormwater discharge, which represents 25% of the 1 in 1 year ARI discharge.
- b. Capture 100% of the particulate matter and litter in the stormwater discharge larger than 2 mm for the design discharge.
- c. Not permit trapped matter to be washed out or re-suspended during stormwater discharges greater than the design discharge.
- d. Be easily accessed, maintained and cleaned using plant and equipment commonly in use by Shellharbour City Council.

B13 Site Management Plan

Prior to the issue of the Subdivision Construction Certificate, the applicant must submit to and obtain approval for a construction and site management plan, from the Principal Certifying Authority and Council, that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period
- d. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway
- e. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in civil engineering
- f. access to the site during the subdivision construction phase by all heavy vehicles should not be via existing residential areas where an alternative route exists. An agreed route should be negotiated prior to works commencing.

B14 Walkway Access to Shellharbour

The temporary walkway access from Stage 8 to Sophia Street, Shellharbour must be maintained at each stage of the subdivision development. Details are to be submitted with the Construction Certificate for each subdivision stage. This plan shall also include details of resident notification of any changes to the walkway.

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B15 Waste Management Plan

A Waste Management Plan for the management of all waste streams generated by the development must be prepared and submitted with the Subdivision Construction Certificate for approval.

Material excavated from the site must be taken to an approved land fill site. Excavated material may only be taken to an alternative site with prior written approval of Council.

Note: Excavated material must not be added to the 'landscape mound' approved under Development Consent No. 947/2000(Pt 2).

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 Site Meeting

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

C2 Section 138 Roads Act 1993

For works proposed within the road reserve, the requirements of Section 138 of *the Roads Act 1993* apply. In this regard, if any other works are proposed and / or occupation of the road reserve proposed a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's *Fees and Charges* will apply.

C3 General Terms of Approval – NSW Office of Water

Plans, Standards & Guidelines

C3.1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to Development Application No. 251/2009 and provided by Council:

- i. Site plan, map and/or surveys
- ii. Works Schedule
- iii. Stormwater Management Strategy Plans.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

C3.2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act 2000* from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

C3.3 The consent holder must prepare or commission the preparation of:

- i. Soil and Water Management Plan.

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C3.4 All plans must be prepared by a suitably qualified person and submitted to the NSW Officer of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml

- i. Vegetation Management Plans
- ii. Laying Pipes and cables in watercourses
- iii. Riparian Corridors
- iv. In-stream works
- v. Outlet structures
- vi. Watercourse crossings.

C3.5 The consent holder must

- i. carry out any controlled activity in accordance with approved plans and
- ii. construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
- iii. when required, provide a certificate of completion to the NSW Office of Water.

Disposal

C3.6 The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage & Stormwater

C3.7 The consent holder is to ensure that all drainage works

- i. capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
- ii. do not obstruct flow other than in accordance with a plan approved by the NSW Office of Water.

C3.8 The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion Control

C3.9 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

C3.10 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

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C4 Public Liability

Prior to works commencing, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$10M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy must note Council as an interested party.

PART D – DURING DEMOLITION / CONSTRUCTION WORKS

D1 Site Documentation

A full set of approved documents (Development Consent, Construction Certificate Drawings and associated documentation) must be maintained on site for the duration of the construction works.

D2 Hours of Work

Noise generating activities including demolition, construction, excavation and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays
- 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays.

D3 Waste Management

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

D4 Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*)
- b. any other waste derived material the subject of a resource recovery exemption under Clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

The intent of this requirement is to ensure that imported fill is of an acceptable standard for environmental protection purposes.

D5 Tree Removal

No trees must be removed from the site without specific Council consent. In this regard, consent is only granted at this stage for the removal of trees for road construction.

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D6 Service Conduits

Service conduits must be placed across carriageways prior to the placing of any pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of pavement material. Alternatively, the services crossings must be under bored.

D7 Road Construction

Insitu density tests must be performed by a NATA registered laboratory on the subgrade, sub-base and base as directed by Council.

Benkelman beam testing on all new internal subdivision roads must be performed in a manner satisfactory to Council prior to final plan release. Council's acceptance criteria is based on the tolerable deflections given in Figure 29 of ARRB Special Report No 41 "Into a New Age of Pavement Design" and AUSTRROADS "A guide to the Structural Design of Road Pavements".

Sub-pavement drainage must be installed on the high side of all roads, where the subgrade is below natural surface level and elsewhere as directed by the Principal Certifying Authority.

D8 Installation of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS 3725 and the Concrete Pipe Association of Australia publication 'Concrete Pipe Selection and Installation'.

D9 Lots & Site Filling

All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.

D10 Geotechnical Testing

Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill must be performed at the rate of one test per 50m of pipeline with not less than two tests in any section of pipe exceeding 25m in length.

D11 Allotments Construction Level

All developable allotments must be constructed at or above the 1 in 100 year flood level plus 500mm freeboard. All allotments within 500mm of the 1 in 100 year level must have a restriction as to user placed on the 88B Instrument specifying a minimum floor level of 500mm above the 1 in 100 year flood level for residential, commercial, industrial and retail lots. All levels must be related to Australian Height Datum.

PART E – PRIOR TO OCCUPATION

Not Applicable

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PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F1 Final Plan

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

- a. an application for a Subdivision Certificate
- b. a satisfactory final plan of subdivision, an electronic copy and six paper prints together with an original 88B Instrument and two paper copies for endorsement by the Principal Certifying Authority. The electronic copy must be in ISG coordinates and must be submitted in DXF, DWG or DGX format. All sections of the plan, the signatures and seals section of the plan, including the original and copies, (except for the General Manager's date and signature) must be completed prior to lodging the plan
- c. fees in accordance with Council's *Fees and Charges* must be paid at the time of submission of the application.

F2 Sydney Water Section 73 Certificate

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

F3 Verification of Waste Management

Documentation, such as receipts / photos, verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Certifying Authority prior to the issue of a Subdivision Certificate.

F4 Section 94 Contributions

A contribution must be paid to Council towards the provision of community facilities and services prior to the issue of the Subdivision Certificate for each stage*, as follows:

Stage 1 - \$331,395.62

Stage 2 - \$125,193.90

Stage 3 - \$147,286.94

- * The number of lots created at each stage may vary with Council's written approval, without the need to lodge a modification to the development consent, where any change to the subdivision staging does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

This amount has been calculated in accordance with Council's *Section 94 Contributions Plan 2005* (Amendment 1) dated 28 September 2005. The *Section 94 Contributions Plan 2005* may be inspected or a copy purchased at the Customer Services Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Subdivision Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

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F5 Street/Public Reserve Names

Proposed street names for all new roads and/or public reserve names must be submitted for Council's consideration. The submission must include the:

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

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

F6 Street Lighting

All street lighting must comply with Integral Energy Street Lighting Policy and illumination requirements. A street lighting plan must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. All costs associated with the installation of street lighting must be borne by the developer.

F7 Geotechnical Report

A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:

- a. the classification of the proposed lot in accordance with the Australian Standard 2870-Residential Slabs and Footings or subsequent amendments,
- b. the classification of the lot in relation to risk of slope instability, and
- c. the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

F8 Services & 88B Instrument

Lots affected by new or existing services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority, Sydney Water and Integral Energy.

F9 Padmount Substations

Where a padmount substation/s is incorporated into an allotment, a restricted building zone must be created in accordance with Integral Energy's requirements. A restriction as to user must be placed on the 88B instrument limiting structures within this zone to only those that satisfy the requirements of Integral Energy.

F10 Utilities – Electricity, Gas & Telephone

- a. Electricity must be provided to all proposed lots. In this regard, the developer must submit written advice to the Principal Certifying Authority from Integral Energy that all requirements for the supply of electricity to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.

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- b. Telephone services must be provided to all proposed lots. In this regard, the developer must submit written advice to the Principal Certifying Authority from Telstra Australia that all requirements for the supply of telephone services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.
- c. The developer must submit written advice to the Principal Certifying Authority from the Natural Gas Company that all requirements for the supply of gas services to the proposed allotments have been satisfied. This advice must be submitted with the Subdivision Certificate application.

F11 Works As Executed – Subdivision

A Work As Executed Plan must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. As a minimum, the plan must show:

- a. the extent, depth and final levels of filling
- b. the location of all underground service conduits
- c. all deviations from the approved civil engineering plans
- d. the location of interallotment drainage connections
- e. certification from a registered surveyor that all stormwater pipes and other services are wholly within an appropriate easement.

F12 Stormwater Pipes Inspection

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be recorded on video tape and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate or placement of final seal on roads, whichever occurs earlier. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of a Subdivision Certificate.

F13 Subdivision – Completion of Landscape Works

Landscaping must be completed to Council's written satisfaction prior to the issue of the Subdivision Certificate.

F14 Dedication to Council

All intended reserves, roads, pathways and drainage easements must be dedicated to Council.

F15 Release of Certificate

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

PART G – AFTER ISSUE OF SUBDIVISION CERTIFICATE

G1 Maintenance of Road & Drainage Works

The developer must maintain the road and drainage works for a defects liability period of six months from the date of registration of the final plan of subdivision.

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G2 Future Development

No consent is given or implied for any future development on the subject land. Any future development, not part of this consent, requires separate development approval.

G3 Subdivision – Landscape/Street Tree Maintenance Period

The landscape must be maintained for a minimum period of 12 months commencing from the date of the issue of the Subdivision Certificate unless otherwise agreed to in writing by Council. The developer must ensure that any defective landscaping shall be rectified and/or replaced during the maintenance period in accordance with the approved landscape plan. All costs arising during the maintenance period must be borne by the developer. The developer must notify Council for a re-inspection at the end of the maintenance period.

G4 Public Reserve Dedication

All areas to be dedicated as public reserve must be cleared of both environmental weeds and noxious weeds prior to dedication.

REASONS FOR THE IMPOSITION OF CONDITIONS

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

Advisory Notes – Project Specific
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ANP1 Sydney Water – Contribution

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

ANP2 Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

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

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Advisory Notes – General

AN1 Erection of Signs

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

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

AN2 WorkCover Authority

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

AN3 Obstacle Height Limitation – Airport

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

AN4 Failure to Comply with Consent

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

AN5 Lapsing of Development Consent

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

AN6 Right to Appeal

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

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

AN7 Review of Determination

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

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

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

AN8 To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under Section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany

Development Application No. 251/2009
Lots 8100 & 8118 DP 1082981 Sloop & Galleon Avenues, Lot 9004 DP1117743 Shallows Drive,
Lot 1 DP 584291 Addison Street, Shell Cove

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.

AN9 Prescribed Payment System Tax Obligations

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

AN10 Development within Vicinity of a High Pressure Gas Main

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

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



Grant Meredith
Manager Development Services

On behalf of Brian A Weir, General Manager

cc: Department of Environment, Climate Change & Water
PO Box 53
WOLLONGONG 2520

Attention: Mr Jeremy Morice
Your ref: 10 ERM2009/0831