



21 JUL 2014

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Australand Corporation (NSW) Pty Ltd  
8 Cove Boulevard Shell Cove  
SHELLHARBOUR NSW 2529

### NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Being the applicant of Development Application No.465/2013 for consent to the following development:

**TORRENS TITLE SUBDIVISION OF 24 LOTS, 1 SUPER LOT AND ASSOCIATED ROAD, DRAINAGE AND SERVICE INFRASTRUCTURE**

**LOT 8422 DP: 1169822  
(FORMERLY LOT 9041 IN DP 1172320)**

**SHALLOWS DRIVE SHELL COVE**

Determination date of consent: 1 July 2014

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF A CONSENT AT AN ORDINARY MEETING OF COUNCIL HELD ON 1 JULY 2014, ITEM NO. 11.2.4, MINUTE NO. 183 SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

#### **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.

**ENGLISH**

If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

**MACEDONIAN**

Ако имате тедшкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

**SPANISH**

Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

**GERMAN**

Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen estsprechenden Dolmetscher hinzurufen.

**ITALIAN**

Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

**GREEK**

Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ. 4221 6111), ή αν επιθυμείτε ελατε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

**CROATIAN**

Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

**PORTUGUESE**

Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

**SERBIAN**

Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако желите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

**TURKISH**

Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

**POLISH**

Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

**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/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Statement of Environmental Effects and Appendices	Cardno	Job Reference 112-021-09/Report 001 Version 4	December 2013
Subdivision Layout	Cardno	Drawing No.FR112021-09-SK001, Revision 7	7/5/2014
Site Waste Minimisation and Management Plan	Australand Corporation (NSW) Pty Ltd	-	5/12/2013

**A4 Easements**

Structures must not encroach onto any easement.

**A5 Liaison with Council**

A set of Council's endorsed engineering plans and documents must be kept onsite at all times during construction of the development.

**A6 Other Council Approvals**

Section 138 of the *Roads Act 1993* applies for works within Council's Road Reserves. For any works or road occupation application must be made to Council inclusive of the appropriate fees within Council's *Fees and Charges*. Such application must be made in advance of any works with approval in place, prior to the commencement of works.

**A7 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. The Approval must be obtained prior to the issue of the Subdivision Construction Certificate and submitted to the Certifying Authority.

Application forms for a Controlled Activity Approval are available from the Department or the Department's website [www.water.nsw.gov.au](http://www.water.nsw.gov.au).

**A8 Consent and Permit to Collect 2534**

The terms of the Consent and Permit to Collect 2534 to carry out the destruction of an aboriginal object/place and to collect and/or excavate for the purpose of salvage must be complied with at all times.

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

### **B1 Initial Geotechnical Report**

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The report must cover, however not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. the source and suitability of the fill, including the use/reuse of existing material,
- c. recommended geotechnical testing requirements,
- d. level of geotechnical supervision for each part of the works as defined under *AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments*,
- e. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers must be used within that zone,
- f. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- g. the recommended treatment of any unstable areas within privately owned allotments,
- h. requirement for subsurface drainage lines, and
- i. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

### **B2 Construction Environmental Management Plan (CEMP)**

Prior to the issue of the Subdivision Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Construction Environmental Management Plan (CEMP) prepared by a suitability qualified Environmental Scientist/Engineer.

- a. The CEMP must be prepared in accordance with any relevant industry guidelines or standards that apply to relevant areas of management.
- b. The CEMP must clearly detail how all environmental management procedures and safeguards will be implemented.
- c. The CEMP must contain a monitoring and management plan which details how all environmental safeguards will be monitored for adequacy and maintained for the duration of the construction.

### **B3 Soil and Water Management Plan (SWMP)**

(See also Part H of this consent for requirements of the Office of Water).

Prior to the issue of the Subdivision Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan and Statement. The SWMP may form part of the CEMP referred to in the preceding condition of consent. The SWMP must clearly identify site features, constraints and soil types together

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with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* also known as the *Blue Book*, (and must be compatible with the construction management plan required by this consent - only if such a plan is required) thus ensuring the following objectives are achieved, namely:

- a. minimize the area of soils exposed at any one time.
- b. Conserve topsoil for reuse on site.
- c. Identify and protect proposed stockpile locations.
- d. Preserve existing vegetation and identify revegetation techniques and materials.
- e. Control surface water flows through the development construction site in a manner that:
  - i. diverts clean run-off around disturbed areas,
  - ii. minimises slope gradient and flow distance within disturbed areas,
  - iii. ensures surface run-off occurs at non-erodible velocities, and
  - iv. ensures disturbed areas are promptly rehabilitated.
- f. Trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping).
- g. Specifies measures to control dust generated as a result of construction activities on site.
- h. Temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal.
- i. Design scour protection for the 10 year ARI event at all inlet and outlet structures.
- j. Including measures to prevent the tracking of sediment off the site.

#### **B4 Soil and Water Management Plan (SWMP) Bond**

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

- a. the bond must be held by Council until the expiration of the defects liability period for the subdivision, which commences at the completion of all engineering works, including placement of the final seal on all new roads, and
  - b. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work must be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.
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## **B5 Road Design**

The road design, prepared by Cardno Drawing No.FR112021-09-SK001 Revision 7, in principle is considered acceptable. Notwithstanding the road design must comply with the following:

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

## **B6 Road Drainage Plans**

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

All stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of *AS 3725 - Design for Installation of Buried Concrete Pipe*.

## **B7 Stormwater Discharge to Natural Watercourse**

Stormwater discharge point to the natural watercourse must be protected against erosion. Details are to be submitted and be to the satisfaction to the certifying authority prior to the issue of the Subdivision Construction Certificate.

## **B8 Pit Grates**

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

## **B9 Structural Design of Deep Pits**

All pits deeper than 0.9 metres must be designed by a certified structural engineer, any pits deeper than 1.8 metres are to be reinforced concrete and be in accordance with *AS3600-2009*. Pits deeper than 1.2 metres must have step irons in accordance with *AS 1657-2013*.

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Details to this effect must be incorporated on the detailed drainage design that is submitted to the certifying authority for the Subdivision Construction Certificate.

**B10 Traffic Committee - Signposting and Line Marking Plan**

Prior to the issue of a Subdivision Construction Certificate, a Signposting and Line Marking Plan must be lodged with the City of Shellharbour Traffic Committee for written approval. This plan must detail all facilities, signage and line-marking required within and surrounding the development.

**B11 Interallotment Drainage**

Interallotment drainage must be provided to dispose of stormwater from those allotments that do not have fall to a street in accordance with the Subdivision Plan prepared by Cardno, dated 7/5/2014, Drawing No.FR112021-09-SK001 (Revision 7).

**B12 Driveway Design for lots 8, 9 & 10**

A concept design of the driveway crossing (from the kerb to the property boundary) for lots 8, 9 and 10 must be provided with Construction Certificate Application. The design must take into account future waste collection arrangements (which must be within the road reserve) for the lots. The developer is responsible for the construction of these driveways from the property boundary to the kerb for lots 8, 9 & 10.

**PART C – PRIOR TO COMMENCEMENT OF WORKS**

**C1 Site Management Plan**

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

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. 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 appropriately qualified and experienced engineer, and
- f. how dust is to be controlled and managed. The applicant must prepare a Dust Management Plan (DMP). The DMP must include, but not be limited to strategies in which the construction must:
  - minimise or prevent the emission of dust from the site,

- ensure that all trafficable area and vehicle manoeuvring areas in or on the premises be maintained, at times, in a condition that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust,
- ensure that all vehicles entering and leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles must be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, and
- ensure that all dust source surfaces are sealed.

## **C2 Site Meeting**

A site meeting between a Council Development/Subdivision Engineer, the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.

## **C3 Soil and Water Management Plan (SWMP) & Construction Environmental Management Plan (CEMP) Implementation**

The measures required in the SWMP and CEMP approved by the Certifying Authority must be implemented prior to the commencement of works.

## **C4 Road Construction and Road Drainage Construction**

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

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

## **C5 Construction Traffic Management Plan (CTMP)**

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

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

## **C6 Subdivision Design Code Compliance**

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

## **C7 Geotechnical Testing - Drainage**

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

Geotechnical testing must verify that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill, 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.

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### **C8 Dilapidation Report**

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

### **C9 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 \$20 Million 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.

### **C10 Aboriginal Archaeology**

The applicant must ensure that construction/project supervisors are fully informed and briefed with respect to the Consent and Permit No. 2534. Details of measures taken to ensure compliance with this condition must be submitted to Council prior to the commencement of works.

## **PART D – DURING CONSTRUCTION WORKS**

### **D1 Hours of Work**

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

- 7.00am to 5.00pm Mondays to Fridays
- 8.00am to 1.00pm Saturdays

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

### **D2 Site Waste Minimisation & Management Plan**

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

### **D3 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.

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

**D4 Lots and Site Filling**

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

**D5 Maintenance of Soil and Water Management Controls (SWMP)**

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised. Maintenance must include but is not limited to ensuring:

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

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.

**D6 Connection to Council Pit and/or Pipe**

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Council's *Subdivision Code*.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services. An inspection fee will apply in accordance with Council's *Fees & Charges*.

**D7 Service Conduits**

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

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#### **D8 Street Lighting**

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

#### **D9 Impact of Below Ground (Sub-surface) Works - Aboriginal Artefacts**

If any Aboriginal archaeological artefacts are encountered during works, all ground disturbances in the area of the find **must cease** and the Office of Environment and Heritage (OEH) contacted **immediately** to determine an appropriate course of action in line with relevant legislation and Permit 2534. Any request made by the OEH to cease work for the purposes of archaeological recording must be complied with.

#### **D10 Traffic Committee - Signposting and Line Marking Plan**

Written approval from the traffic committee must be obtained prior to implementation of the signposting and line marking plan.

### **PART E – PRIOR TO OCCUPATION**

Not applicable

### **PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

#### **F1 Sydney Water 'Notice of Requirements'**

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](http://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.

#### **F2 Section 94 Contributions**

A contribution of \$250,984.51 must be paid to Council towards the provision of community facilities and services prior to the issue of the Subdivision Certificate. This amount has been calculated in accordance with Shellharbour City Council's *Section 94 Contributions Plan 2013* dated 18 December 2013.

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The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

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

### **F3 Final Plan of Subdivision**

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

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

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

### **F4 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 the relevant electricity provider. Additionally, the following matters must be included/addressed as restrictions on title:

- a. access denied for lots 1-5 from Harbour Boulevard,
- b. drainage structures in accordance with the approved plans, and
- c. acoustic requirements for Lots 1-5 adjoining Harbour Boulevard consistent with the following:
  - i. Ground floor of dwelling - Boundary fence, closed style or 6mm laminated glazing and mechanical ventilation,
  - ii. First floor of dwelling- 6mm laminated glazing and mechanical ventilation, and
  - iii. Council is to be the authority to modify, revoke or vary the acoustic restrictions on title.

### **F5 Padmount Substations**

If padmount substations are required and are to be incorporated into an allotment, a restricted building zone must be created in accordance with relevant electricity provider

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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 the electricity provider.

**F6 Utilities**

- a. Electricity must be provided to all proposed lots. In this regard, the developer must submit written advice to the Principal Certifying Authority from the relevant electricity provider 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.
- 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 a Communications Provider's accredited contractor 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 a natural gas accredited contractor 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.

**F7 Final Geotechnical Report**

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

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

**F8 Lot Creation Geotechnical Report**

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

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

#### **F9 Works As Executed Plans - Subdivision**

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

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

All levels must relate to Australian Height Datum.

#### **F10 Inspection of Stormwater Pipes**

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of the Subdivision Certificate.

#### **F11 Road Dedication**

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

At the time immediately prior to the section of road between Cowries Avenue and Redsands Avenue is to become a designated gazetted public road an inspection is to be undertaken by Council to determine that the road is in satisfactory condition. The road is to be handed over to Council at no cost to Council prior to issue of the Subdivision Certificate.

#### **F12 Street Names**

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

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

Street names must be finalised prior to release of the Subdivision Certificate.

### **F13 Verification of Waste Management**

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

### **F14 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 Future Development**

No consent is given or implied for any future development on the subject land.

### **G2 Subdivision - Maintenance Period**

All road and drainage works, 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 works shall be rectified and/or replaced during the maintenance period in accordance with the approved construction certificate plans. All costs arising during the maintenance period must be borne by the developer. All road and drainage work must be maintained in its original construction condition for this liability period. The developer must notify Council for a re-inspection at the end of the maintenance period.

## **PART H - INTEGRATED DEVELOPMENT (APPROVALS FROM OTHER AGENCIES)**

### **OFFICE OF WATER**

#### **H1 Plans, Standards & Guidelines**

- a. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 465/2013 and provided by Council:
  - i. Site plan, map and/or surveys
  - ii. Structural design and specifications
  - iii. Statement of Environmental Effects

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.

- b. 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
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Management Act 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.

- c. The consent holder must prepare or commission the preparation of:
  - i. Detailed Drainage Plan
  - ii. Bulk Earthworks Plan
  - iii. Soil and Water Management Plan.
- d. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
  - i. Vegetation Management Plans
  - ii. Laying pipes and cables in watercourses
  - iii. Riparian Corridors
  - iv. In-stream works
  - v. Outlet structures
  - vi. Watercourse crossings.
- e. 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.

## **H2 Rehabilitation and maintenance**

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

## **H3 Reporting Requirements**

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

## **H4 Disposal**

The consent holder must ensure that no materials or cleared vegetation that may:

- i. obstruct flow,
- ii. wash into the water body, or
- iii. cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

## **H5 Drainage and Stormwater**

- a. The consent holder is to ensure that all drainage works:
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- 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 the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- b. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water

## **H6 Erosion Control**

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.

## **H7 Excavation**

- a. 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.
- b. The consent holder must ensure that any excavation does not result in:
  - i. diversion of any river
  - ii. bed or bank instability or
  - iii. damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

## **NSW RURAL FIRE SERVICE**

### **H8 Asset Protection Zones**

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

1. A 10 metre asset protection zone (APZ) is to be provided from the western boundary of proposed Lot 1 as shown on the plan prepared by Cardno, referenced FR112021-09-SK0001 Revision 7, dated 7/5/14. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on this Lot requiring the provision of this APZ which shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **H9 Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
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## **H10 Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

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

## **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.

<b>Advisory Notes – Project Specific</b>
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### **ANP1 Long Service Levy**

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

**Note:** This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

### **ANP2 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.

### **ANP3 Sydney Water - Subdivision & Services**

As Torrens Title subdivision is proposed, Sydney Water should be consulted with regard to the need for separate services to be provided for each allotment.

### **ANP4 Sydney Water Information**

Sydney Water has produced a Land Development Manual. The manual outlines the process for getting a Section 73 Certificate in a single, easy to read document. The manual is available from the [Land Development](#) page in the Plumbing, Building & Developing section of the Sydney Water website.

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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 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 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 six months after the date on which you receive this notice.

**AN7 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 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.

**AN8 BASIX**

Please note that the requirement for lodging a modification of development consent under section 96 of the *Environmental Planning & Assessment Act 1979* may result in the requirement for a revised BASIX certificate to be submitted for assessment.

**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 Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

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**Development Application No.465/2013  
Lot 8422, DP 1169822, Shallows Drive Shell Cove**

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Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**AN11 Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

**AN12 Development within Vicinity of a High Pressure Gas Main**

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

Jemena Asset Management Pty Ltd  
PO Box 6507  
SILVERWATER NSW 2128

Attention: Land Services Department



Grant Meredith  
**Group Manager - City Development**

On behalf of Michael Willis, General Manager

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