

11 JAN 2019

Australand Corporation (NSW) Pty Ltd  
PO Box 4148  
SHELLHARBOUR 2529

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**  
*Issued under the Environmental Planning & Assessment Act 1979 Section 4.18 (1)*

Being the applicant of Development Application No. 619/2017 (SRPP Reference Number 2018STH007) for consent to the following development:

**TORRENS TITLE SUBDIVISION COMPRISING 58 RESIDENTIAL LOTS,  
6 SUPERLOTS, 1 LOT FOR FUTURE BOAT MAINTENANCE & STORAGE FACILITY,  
1 PUBLIC RESERVE, 3 RESIDUE LOTS & ACOUSTIC FENCING**  
**LOT 4002 & 4003 DP 1235539**  
**HARBOUR BOULEVARD, SHELL COVE**

**Determination date of consent: 17 DECEMBER 2018**

Note: This Approval will lapse 5 years from the date of consent.

In accordance with section 4.16 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT THE SOUTHERN REGIONAL PLANNING PANEL PUBLIC DETERMINATION MEETING HELD ON 17 DECEMBER 2018 SUBJECT TO THE CONDITIONS DESCRIBED BELOW.



Grant Meredith  
**Group Manager, City Development**

On behalf of Carey McIntyre, General Manager

**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.

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**

**1 Construction Certificate (Subdivision) & PCA Notification  
 Environmental Planning & Assessment Act 1979**

**Before any site works, building 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, and
- b. appoint a Principal Certifying Authority.

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

**2 Prescribed Conditions**

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

**3 Development in Accordance with Plans**

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp except where modified by conditions of this consent. Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions will take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Reference	Date
Site Plan	Arcadis	10006310, C-A-003 Issue 05	07.08.2018
Lot Layout Plan	Arcadis	10006310, C-A-004 Issue 05	07.08.2018
Plan of Subdivision	-	-	undated
Waste Collection Plans	Arcadis	Waste Collection Layout Plans C-A-443 10006310 Issue 04	07.08.2018
		Waste Collection Plans, Issue 3 C-A-444 10006310 sheet 1 C-A-445 10006310 sheet 2 C-A-446 10006310 sheet 3 C-A-447 10006310 sheet 4	15.06.2018
Landscape Works	GroupGSA	Cover sheet 13294 LOA-000 D	03.07.2018
		Landscape Plan Sheet 01 13294 LOA-2100 F	03.07.2018
		Landscape Plan Sheet 02 13294 LOA-2200 F	03.07.2018

Name of Plan/Document	Prepared By	Reference	Date
		Landscape Plan Sheet 03 13294 LOA-2300 F	03.07.2018
		Landscape Plan Sheet 04 13294 LOA-2400 F	03.07.2018
		Planting Schedule 13294 LOA-5000C	03.07.2018
		Planting Plan Sheets 01-04 13294 LOA-5001, 5002, 5003, 5004 Issue C	03.07.2018
		Landscape Details 13294 LOA-4001 C & 4002 B	03.07.2018
Fence Strategy	Group GSA	13294 LOA-3001 & 3002C	03.07.2018
Cut and Fill Layout Plan	Arcadis	AA006310 C-A-141 Issue 01	05.09.2018
Site Sections	Arcadis	C-A-151 – 156 AA006310 Issue 01 Sheets 1-6	05.09.2018
Civil Works and Stormwater Drainage Plans	Arcadis	10006310, C-A-301 to C-A- 310	
		Sheets 1, 4-7, 9 Issue 4	22.06.2018
		Sheet 8 Issue 03	15.06.2018
		Sheets 2-3 Issue 05	07.08.2018
		Sheet 10 Issue 02	22.06.2018
Typical Road Cross Sections	Arcadis	10006310, C-A-006 Issue 03	15.06.2018
Acid Sulfate Soil Management Plan Precinct A Shell Cove	Coffey Geotechnics Pty Ltd	WOLEN209869-R01	25.10.2017
Noise & Vibration Impact Assessment Precinct A Shell Cove	Wilkson Murray	05135-BR Version D	20.06.2018

#### 4 Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

#### 5 Consent Limitations

This development consent does not grant approval to any structures, such as shelter sheds, to the east of Bass Point Road.

## 6 Street Numbering

The addressing for this development will be as detailed in the table below. Allocated street numbers must be shown on the Construction Certificate plans, subdivision plans/Administration sheet and where plans and details are provided to service suppliers, numbers must be in accordance with the addressing below.

Lot	Street number	Street name	Street type	Locality	Alternate
1000	15	Maritime	Drive	Shell Cove	
1001	23	Oceanfront	Drive	Shell Cove	
1002	21	Oceanfront	Drive	Shell Cove	
1003	19	Oceanfront	Drive	Shell Cove	
1004	17	Oceanfront	Drive	Shell Cove	17 Seaside Ave
1005	15	Oceanfront	Drive	Shell Cove	18 Seaside Ave
1006	13	Oceanfront	Drive	Shell Cove	
1007	11	Oceanfront	Drive	Shell Cove	
1008	9	Oceanfront	Drive	Shell Cove	
1009	7	Oceanfront	Drive	Shell Cove	
1010	5	Oceanfront	Drive	Shell Cove	
1011	3	Oceanfront	Drive	Shell Cove	
1012	1	Oceanfront	Drive	Shell Cove	269 Harbour Blvd
1013	2	Seaside	Avenue	Shell Cove	267 Harbour Blvd
1014	4	Seaside	Avenue	Shell Cove	
1015	6	Seaside	Avenue	Shell Cove	
1016	8	Seaside	Avenue	Shell Cove	
1017	10	Seaside	Avenue	Shell Cove	
1018	12	Seaside	Avenue	Shell Cove	
1019	14	Seaside	Avenue	Shell Cove	
1020	16	Seaside	Avenue	Shell Cove	
1021	15	Seaside	Avenue	Shell Cove	
1022	13	Seaside	Avenue	Shell Cove	
1023	11	Seaside	Avenue	Shell Cove	
1024	9	Seaside	Avenue	Shell Cove	
1025	7	Seaside	Avenue	Shell Cove	
1026	5	Seaside	Avenue	Shell Cove	
1027	2	Sandbar	Avenue	Shell Cove	
1028	4	Sandbar	Avenue	Shell Cove	
1029	6	Sandbar	Avenue	Shell Cove	
1030	37	Seaboard	Way	Shell Cove	
1031	35	Seaboard	Way	Shell Cove	
1032	33	Seaboard	Way	Shell Cove	
1033	31	Seaboard	Way	Shell Cove	
1034	29	Seaboard	Way	Shell Cove	
1035	27	Seaboard	Way	Shell Cove	
1036	25	Seaboard	Way	Shell Cove	
1037	23	Seaboard	Way	Shell Cove	
1038	21	Seaboard	Way	Shell Cove	
1039	19	Seaboard	Way	Shell Cove	
1040	17	Seaboard	Way	Shell Cove	
1041	15	Seaboard	Way	Shell Cove	
1042	13	Seaboard	Way	Shell Cove	
1043	11	Seaboard	Way	Shell Cove	
1044	9	Seaboard	Way	Shell Cove	
1045	7	Seaboard	Way	Shell Cove	
1046	5	Seaboard	Way	Shell Cove	
1047	16	Seaboard	Way	Shell Cove	4 Cay lane
1048	18	Seaboard	Way	Shell Cove	

Lot	Street number	Street name	Street type	Locality	Alternate
1049	20	Seaboard	Way	Shell Cove	
1050	22	Seaboard	Way	Shell Cove	
1051	24	Seaboard	Way	Shell Cove	
1052	26	Seaboard	Way	Shell Cove	49 Anchorage Pde
1053	47	Anchorage	Parade	Shell Cove	
1054	45	Anchorage	Parade	Shell Cove	2 Cay Lane
1055	2	Rockpool	Lane	Shell Cove	92 Anchorage Pde
1056	4	Rockpool	Lane	Shell Cove	
1057	6	Rockpool	Lane	Shell Cove	
1058	215	Harbour	Boulevard	Shell Cove	8 Rockpool Lane
1059	257	Harbour	Boulevard	Shell Cove	9 Shore Court
1060	229	Harbour	Boulevard	Shell Cove	22 Rockpool Lane
1061	104	Anchorage	Parade	Shell Cove	11 Rockpool Lane
1062	15	Cay	Lane	Shell Cove	
1063	2	Shoal	Lane	Shell Cove	1 Seaboard Way
1064	5	Shoal	Lane	Shell Cove	

## PART B - PRIOR TO ISSUE OF SUBDIVISION CONSTRUCTION CERTIFICATE

### 7 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 Subdivision Construction Certificate.

The report must cover, but not be limited to, the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. 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 the approved engineering plans must be amended to indicate that vibratory rollers must not be used within that zone,
- e. 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,
- f. the recommended treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines, and
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

## 8 Soil and Water Management Plan

Prior to the issue of the Subdivision Construction Certificate, a Soil and Water Management Plan (SWMP) must be submitted to and approved by the Certifying Authority.

The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and specify the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities shall be referred to where applicable.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise 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 stabilised (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, and
- j. include measures to prevent the tracking of sediment off the site.

## 9 Soil and Water Management Plan Bond

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 Shellharbour City Council, and must operate as follows:

- a. the bond must be submitted to Council prior to the release of the Subdivision Construction Certificate,
- b. 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
- c. if Council is to advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give 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.

## 10 Road Design

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 10. 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 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 rigid vehicle to manoeuvre in order to enter and leave each road travelling in a forward direction and without leaving the carriageway unless whereby road terminates with a T-head
- e. the road terminating with a T-head must be designed to enable a 12.5m rigid vehicle to enter and exit the road in a forward direction in a maximum three point turn, and
- f. 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.

## 11 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 approval 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*.

## 12 Structural Design of Deep Pits

All pits deeper than 0.9 metres shall be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres must be reinforced concrete. Step irons are to be at 300mm interval spacing from bottom of pit. The top step is to be a minimum 500mm below top surface level. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.

## 13 Retaining Walls

All retaining walls must be designed by a practising structural engineer. Retaining walls must be located wholly within the property, including footings and agricultural drainage lines. This may require the wall to have a boundary setback of at least 200mm. No part of a retaining wall structure is to encroach on land proposed to be dedicated to Council. Construction of



retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures. All retaining walls must be constructed of masonry materials. Retaining wall details to be submitted with the Subdivision Construction Certificate.

#### **14 Electricity Substation**

Where required, the land owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site (excluding any approved landscaped area) to enable an electricity substation to be installed. The size and location of the substation must be submitted for approval of both Council and the energy provider prior to the Subdivision Construction Certificate being issued.

#### **15 Landscape Plan Construction Certificate Assessment**

The developer must lodge with Council a fee as per Council's *Fees and Charges* for the assessment of the landscape plan prior to the issue of the Landscape Construction Certificate.

#### **16 Street Tree and Landscape Inspection Fees**

The developer must lodge with Council prior to the issue of the Subdivision Construction Certificate inspection fees in accordance with Council's *Fees and Charges* for:

- street tree and landscape works certification inspections, and
- street tree and landscape handover inspections following completion of the maintenance period.

#### **17 Landscape & Street Tree Plan/s**

A detailed landscape and street tree plan/s prepared by a Landscape Architect must be submitted and approved by Council prior to the issue of the Subdivision Construction Certificate. In addition to a soft copy, one hard copy is to be provided. The plan must be prepared generally in accordance with the approved Landscape Plans, *Shellharbour Development Control Plan*, Precinct A Urban Design Guidelines and modified by the requirements provided below:

- a. The tree species *Cupaniopsis anacardioides* must not be used as is an environmental weed. This species is creating havoc with self-seeding in our native bushland by bird dispersal.
- b. Street tree species selected shall not obscure vision from properties to green space and road with the aim to maximise the opportunity for surveillance.
- c. Areas to the east of the new Bass Point Road alignment including the batter below Bass Point Road and the dune adjoining the Groyne must be redesigned to be landscaped in accordance with the Draft Shell Cove Boat Harbour Beach Nourishment Rehabilitation Management Plan (Advisian 2018).
- d. Full details of the fence along the eastern side of the pedestrian-bicycle share path of Bass Point Road to be shown on plan.
- e. Landscape between the pavement of the shared driveway and boundary setback of lots 1021, 1058 and 1038. The width of the driveway landscape bed is a minimum 1 metre and will select species that will soften the interface between driveway pavement and boundary fencing and not obstruct required sight distance requirements of AS2890.1-2004. For lot 1021 this setback width is also required to ensure waste

receptacles presented to the kerb for the kerbside collection of waste are wholly contained within the unobstructed road frontage of lot 1021.

- f. Landscape between the 2.4m high acoustic wall along the western boundary of Lot 1000 and the road must include species type and density that will soften the visual impact of acoustic fence. The species selected will partially screen the fence which will also assist in minimising the risk of graffiti.
- g. Landscape within road reserves must have a 10 metre visual clearance from an approaching side of any pedestrian access point of crossing and planted with a plant species that has a mature height of 300mm.
- h. Landscape proposed within roundabouts must have a 3000mm set back from the outer edge of the roundabout in a 60km zone and a 2000mm clearance zone in a 40km zone and planted with a plant species that has a mature height of 300mm.

The proposed landscape within the median of the turning head on Bass Point Tourist Road must be landscape consisting of a clear trunk tree and a low groundcover with a maximum mature height of 300mm only.

## **18 Landscaping – Boat Ramp Car Park**

Appropriate landscaping must be implemented within the landscape buffer areas along the western and eastern sides of the boat ramp car park. The purpose of this landscaping is to effectively mitigate the visual appearance of the overall height of the boat ramp car park retaining wall and acoustic fence structure. A landscape plan must be submitted to, and approved by, Council. The plan must include plant species that will attain sufficient height and growth habit to screen the wall structure. Species selected must be suitable for the coastal environment and be easy to maintain.

## **19 Street Tree Bond**

Prior to the issue of a Subdivision Construction Certificate, a bond to the value of the street tree landscape works must be provided to Shellharbour City Council. The developer is to contact Council prior to providing the bond with a quote of the cost of the works. Council must agree in writing to the bond value prior to the bond being provided.

## **20 Bicycle Parking Facilities**

The off-street bicycle parking area on the eastern side of Bass Point Road must be safe, secure, convenient and meet the needs of a wide range of cyclists. The bicycle parking area, including adequate space to dismount safely, must be suitably located, sized and designed to ensure the pedestrian-bicycle share path is safe for all users of the path. The bicycle parking area is to be located in a position that offers good passive surveillance. The parking facilities must be physically separated at a suitable distance from the amenity facilities of the walkway entrance which include washing areas, seating and waste collection bins. The design of the structure to secure the bicycles will allow cyclists to secure both wheels and frame with a 'U' lock. Wheel supports should have staggered heights. Details to be submitted, and approved by Council, prior to the issue of the Subdivision Construction Certificate.

## **21 Lot 1021 and Sight Distance**

The driveway of lot 1021 and adjacent lots 1004 & 1022, must be designed for satisfactory sight distance in accordance with AS2890.1-2004 – *Parking Facilities Part 1: Off-street Car Parking*. As such the driveway and lot layout is to be designed to allow for satisfactory entry/exit sight distance. Details of compliance with the sight distance requirements of AS2890.1 are to be submitted with the Subdivision Construction Certificate.

## **22 Footpath and Sight Distance**

Footpaths are to be located in accordance with *Precinct A1 and A2 Urban Design Guidelines* and be constructed in accordance with Council's specifications. The setback of the footpath pavement to the lot boundary and road kerb must be detailed on the plans submitted with the Subdivision Construction Certificate.

## **23 Waste Management Plan**

A Waste Management Plan for the development must be prepared in accordance with Shellharbour City Council's *Shellharbour Development Control Plan* and be submitted with the Subdivision Construction Certificate. The plan must detail all waste streams and disposal methods. Any surplus excavated material from the site must be taken to an approved land fill site and must be detailed on the waste management plan. Waste streams that have reuse/recycling potential must be disposed to a reuse/recycling outlet and not be disposed as landfill. Excavated material may only be taken to another site with prior written approval of the Certifying Authority.

## **PART C - PRIOR TO COMMENCEMENT OF WORKS**

### **24 Site Meeting with Council**

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

### **25 Soil and Water Management Plan Implementation**

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

### **26 Acid Sulfate Soil**

Prior to the commencement of works, areas in the northern half of Precinct A where excavations are likely to be greater than 2m depth must have an additional assessment and laboratory testing to assess liming rates. This report must be included as an addendum to Coffey (2017) Acid Sulfate Soil Management Plan Precinct A Shell Cove, NSW.

### **27 Construction Traffic Management Plan**

Prior to the commencement of works, a Construction Traffic Management Plan (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 for construction workers, sub-contractors and supervisors to ensure that the Construction Traffic Management Procedures are adhered to at all times.

### **28 Unexpected Finds Contingency**

An unexpected finds protocol for contamination must be prepared for the proposed works by a suitably qualified professional and submitted to the Certifying Authority prior to the commencement of works. The unexpected finds protocol should include procedures and protocols for managing risks should unexpected finds of contamination be identified at the site.

## 29 Aboriginal Heritage Induction

The applicant must ensure that the construction/project supervisors are fully informed and briefed with respect to the Consent and Aboriginal Heritage Permit (AHIP) No. 2534.

Prior to any works commencing on the land all staff, contractors and sub-contractors working on site must be inducted on Aboriginal Heritage implications and must sign acknowledgement of having received and understood this induction. This induction record must be retained on site for the duration of the construction works.

## 30 Construction Environmental Management Plan

Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Certifying Authority. The CEMP must include but is not limited to:

- a. Sediment and erosion controls,
- b. Unexpected acid sulphate soils protocols. This will include actions from Coffey (2017) Acid Sulfate Soil Management Plan Precinct A Shell Cove, NSW - Section 4 Management plan and procedures for Acid Sulfate Soils.
- c. Management of fuels and chemicals,
- d. A contaminated lands including unexpected finds and asbestos protocols,
- e. Construction noise controls. Construction noise levels must be managed according to the EPA *Interim Construction Noise Guidelines*,
- f. Dust control measures,
- g. Cultural Heritage stop work protocol,
- h. Protection of native vegetation east of Bass Point Tourist Road. Measures to minimise the removal of native vegetation to create the new alignment of Bass Point Tourist Road must be detailed in CEMP. Details of vegetation protection fencing to be detailed on plan, and
- i. Native fauna protection measures.

Measures to minimise risk of harm to native fauna must include, but not be limited to:

- Inspect in an around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work,
- Cover trenches when possible to avoid trapping native fauna such as frogs and reptiles,
- Inspect trenches prior to filling, and
- Contact WIRES or South Coast Wildlife Rescue on 0418 427 214 immediately in the event of injury to native fauna.

Pre clearance surveys by the project ecologist must be conducted for temporary open drains and areas colonised by *Typha orientalis* (Bullrush) within the site to be cleared immediately prior to clearance.

## 31 Protection of Native Vegetation (East of Bass Point Road)

Vegetation protection fencing, as detailed in the Construction Environmental Management Plan, must be installed prior to works commencing.

### **32 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. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. 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, and
- f. 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.

### **33 Sydney Water Servicing**

Application for a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made to Sydney Water Corporation prior to the commencement of works.

Application must be made through an authorised Water Servicing Coordinator. For assistance visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > *Plumbing, building and developing* > *Developing* > *Land development* or telephone 13 2092.

### **34 Dilapidation Report**

The beneficiary of the consent is to prepare a Dilapidation Report of any existing damage to public areas in the vicinity of the development site. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

### **35 Public Liability**

Where occupation of and/or works within Council's road reserve are proposed, the beneficiary of this consent must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M for the full duration of the proposed works prior to the commencement of works. The Policy must note Council as an interested party.

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

### **36 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.

### **37 Hours of Work**

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

- 7am to 5pm Mondays to Fridays, and
- 8am to 1pm Saturdays.

### **38 Aboriginal Heritage**

Works must comply with the Approved Archaeological and Heritage Protection Plans (Protection Plans) and the conditions of the ss87/90 Consent and Permit (no. 2534) issued under the *National Parks and Wildlife Act 1974*. It is essential that works or vehicle movements do not occur in the immediate vicinity of registered Aboriginal site AHIMS 52-5-207.

The applicant must detail measures that have been taken to ensure compliance with the Conditions outlined within the Consent/Permit and the Protection Plans.

### **39 Maintenance of Soil and Water Management Plan**

The soil and water management controls of the Soil and Water Management Plan 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 to the satisfaction of the Certifying Authority.

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. that drains, gutters and roads are maintained clear of sediment at all times.

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.

### **40 Construction Environmental Management Plan**

Management actions detailed in the Construction Environmental Management Plan must be implemented throughout construction works.

### **41 Tree Removal**

Existing trees and vegetation nominated for removal must be removed prior to any construction works. Trees/vegetation removed are to be mulched and used to mulch the existing trees and/or vegetation to be retained. Any environmental weed vegetation must be removed from the development site and must not be used for mulch purposes.

### **42 Open or Occupy a Roadway or Footpath - Section 138 Roads Act 1993**

Prior to any physical works within Council's road reserve such as, but not limited to, installing a driveway or connecting stormwater facilities, you will need to apply for approval under Section 138 of the *Roads Act 1993*. Fees are payable in accordance with Council's *Fees and Charges*.

To lodge your application you will need to submit the following information:

- a. detailed engineering drawings of the proposed works in the road and footpath area,
- b. a Traffic Management Plan,
- c. provision of Public Risk Insurance, and
- d. details of timing and length of works.

#### **43 Waste Management**

The management of waste must comply with the Waste Management Plan approved by the Certifying Authority (refer Part B). All receipts such as waste disposal docketts must be retained (refer Part F). Any variations to the Waste Management Plan must have prior written approval of Council.

#### **44 Imported Fill Material**

The only 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*), or
- 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.

**Note:** The application of waste derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste derived material the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

#### **45 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*.

#### **46 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.

#### **47 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 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.

#### **48 Earthworks Cut, Fill & Grading**

The maximum grading of cut or fill must be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill. The maximum depth of cut or fill on any portion of the allotment must be in accordance with the approved Cut and Fill Bulk Earthworks Plan.

#### **49 Road Construction & 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*.

#### **50 Precinct A Urban Design Guidelines**

All works are to be consistent with *Precinct A1 and A2 Urban Design Guidelines* where relevant. Where there is any inconsistency between these guidelines and the conditions of this consent, the consent will take precedence to the extent of the inconsistency.

The footpath location within the road reserve verge must be in accordance with the Guidelines as referred to in condition no. 22 'footpaths and sight distance'.

#### **51 Footpath Crossing & Driveway & Layback – From Kerb to Property Boundary**

A residential standard vehicular concrete driveway and layback must be constructed between the kerb and the property boundary for lots 1057-1058, and 1038-1040. The driveway must:

- a. maintain a perpendicular alignment from the kerb to the property boundary line,
- b. have a width between 4-6m for the shared driveway of lots 1038-1040 and 4m for the shared access of lots 1057 and 1058, and of lots 1021 and 1022,
- c. not interfere with the existing public utility infrastructure,
- d. be located 500mm clear of all drainage structures and 3m from any street tree,
- e. be finished with a slip resistant finish, and
- f. be constructed at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

#### **52 Driveway**

A vehicular concrete shared driveway for lots 1057 and 1058, lots 1021 and 1022, and lots 1038-1039 must be constructed generally located as shown on the approved plans. The vehicle pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type.



Pavement to comply with *Australian Standard 'Guide to Residential Pavements'* (AS 3727-1993 or subsequent amendment).

The driveway will have a minimum boundary setback of 1m. A greater setback may be required to satisfy sight distance requirements of AS2890.1.

### **53 Acoustic Fencing**

The acoustic fencing must be constructed and installed in accordance with the approved plans and documentation prior to the issue of a Subdivision Certificate. The acoustic fence along the north-western boundary of Lot 1001 must be setback a minimum 6m from the north-eastern (front) boundary in accordance with the approved plans and documentation.

The materials, design, colours and treatment of the acoustic fencing throughout Precinct A must create a cohesive aesthetic. Any acoustic fence facing the public domain must incorporate appropriate public art to the satisfaction of Council's Public Art Officer.

The wall shall integrate graffiti prevention techniques including the use of anti-graffiti paint and coatings and be painted in dark colours (excluding black).

### **54 Street Lighting**

A Public Lighting Design Brief must be submitted to Shellharbour City Council for approval for the provision of street lighting on all new public roads to be 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.

All street lighting within the residential areas and boat access area shall be white toned lighting rather than yellow/orange toned lighting to encourage safety, light distribution and surveillance.

### **55 Traffic Committee – Signposting & Line Marking**

A Signposting and Line Marking Plan must be lodged with Shellharbour City Council's Traffic Committee for written approval. The plan must detail all facilities, signage and line-marking required within and surrounding the development.

Signage that states 'no stopping' at the turning head of road 32 will be required. The intent of this requirement is to ensure all vehicles likely to access this road, including Council's waste contractor trucks, can manoeuvre in accordance with Council's requirements.

### **56 Street Tree Installation**

Street tree installation by the developer must be deferred until 70% of dwellings are developed to prevent damage and destruction to street trees throughout the dwelling construction phase.

### **57 Street Trees**

The developer is required to install street trees on the Council footpath reserve, as follows:

- a. tree species to be approved by Council,

- b. planted a minimum 3m from the driveway and street light poles, 2m from services, stormwater outlets and signage and 15m from pedestrian crossing
- c. must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb,
- d. root barrier must be installed adjacent to the back of the kerb & gutter and the concrete pavement as per the manufacturer's specifications,
- e. a minimum 1000mm width x 1500mm depth timber edging installed at the base of the tree constructed from the back of the kerb,
- f. 2 x hardwood stakes with 50mm Hessian ties, fixed in a figure 8, to support each tree, and
- g. minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk.

#### **PART E - PRIOR TO OCCUPATION**

Not applicable.

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

##### **58 Final Plan of Subdivision**

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

- a. an application for a Subdivision Certificate,
- b. a Practical Completion 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".

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.

##### **59 Sydney Water Section 73 Compliance Certificate**

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

##### **60 Section 94 Contributions**

A contribution of \$666,401.15, subject to annual indexation, must be paid to Council towards the provision of public amenities and public 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 2016 Amendment 1 dated 8 March 2017* in the following manner:

- Residential contribution – Precinct 2, Shellharbour - \$716,443.17
- Less credit for C1.26 Passive Open Space Embellishment – (\$50,042.02)

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)

## **61 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. An inspection is to be undertaken by Council to determine that all roads are in satisfactory condition prior to issue of the Subdivision Certificate.

## **62 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. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines have been completed. 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 a Subdivision Certificate.

## **63 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 Council's *Subdivision Design Code*. This shall include appropriate test results, 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 shall 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.

#### **64 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,
- 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.

#### **65 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.

#### **66 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.

#### **67 Services & 88B Instrument**

Lots affected by new or existing utility services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider.

Restrictions, covenants and/or easements are to be placed on title that address the following:

- a. Acoustic attenuation measures for all lots within 40m of Harbour Boulevard as detailed in Wilkinson Murray report (no. 05135-CP Version E) dated February 2010 'Concept Plan Application and Environmental Assessment Appendix J – Air Quality and Noise. This will include the superlots Lots 1059, 1060 and 1061.
- b. Waste receptacles must not be presented to the kerb of Harbour Boulevard and The Promontory Drive for the kerbside collection of waste. Affected lots will present waste

receptacles to the kerb for kerbside waste collection of the road as shown on the approved waste collection plans prepared by Arcadis; refer condition no. 3.

Lots 1026 to 1029 inclusive will present waste receptacles for the kerbside collection of waste to the road frontage as shown on the approved waste collection plans prepared by Arcadis; refer condition no. 3.

Lots 1057, 1058, and 1037-1040 inclusive must present waste receptacles for the collection of waste at the kerb in accordance with the approved waste collection plans prepared by Arcadis referred to in condition no. 3. Having regard to the location of waste receptacles for kerbside waste collection, lot 1059 must be burdened to benefit lots 1057 and 1058, lot 1037 burdened to benefit 1038 and lot 1040 burdened to benefit lot 1039. The benefited lots must only place waste receptacles at the kerb on the day of Council's waste collection service and must remove them on the same day. Any waste material emanating from the waste receptacles of the benefited lot left on road reserve and verge must be removed by the benefited lot no later than the end of the waste collection day.

Lot 1021 must present waste receptacles for the kerbside collection of waste to the unobstructed road frontage of the lot. This is limited to the 1.5m wide lot frontage between the boundary with lot 1004 and the driveway pavement setback of 1.5m.

- c. The owner or occupier of the lots burdened with an acoustic barrier for the purpose of noise attenuation from the boat ramp carpark must not alter, add to or remove any materials from that barrier or permit the barrier to be altered or to be added to or permit any removal of material from that barrier without the prior written permission of the benefiting authority. The benefiting authority is Shellharbour City Council.
- d. An easement for support will be required where earthworks of the lots created are retained by a retaining walls. The subject lots include Lot 1000, the boatramp car park and lots adjoining the boatramp car park and Lot 1000. The location and width of the easement of support and permitted works within the easment site must be verified by a certified structural engineer.
- e. Lots within the acoustic line of sight from the boatramp car park, including lot 1002, and lots adjoining Lot 1000 are subject to the noise attenuation measures of the Wilkinson Murray report (no. 05135-BR version D) dated June 2018 referred to in condition no. 3.
- f. Lots 1038-1045 inclusive have a rear building line of 10 metres to the dwelling. The intent of the restriction is to ensure future development on these lots can satisfy the private open space solar access requirements of Precinct A urban design guidelines and provide for appropriate setbacks to any acoustic treatment for the boat maintenance and storage facility. Shellharbour City Council is the authority that can modify, vary or release this restriction.
- g. Sight distance requirements of lot 1021 where applicable; refer condition no. 21 'Lot 1021 and Sight Distance'.
- h. Rights of Carriageway for lots 1057 and 1058, lots 1021 and 1022, and lots 1038-1040.

## **68 Utility Services – Electricity**

Prior to the release of the Subdivision Certificate for the development written advice must be submitted to the Principal Certifying Authority that all requirements for the supply of electricity to the proposed allotments have been satisfied from the relevant electricity provider.

**69 Completion of Landscape Works**

All landscape works must be carried out in accordance with the approved Landscape Plan/s (excluding areas to the east of Bass Point Road) prior to the release of the Subdivision Certificate. Any variations to the Plan must be authorised by Council in writing prior to changes being made/installed.

**70 Landscape Inspection**

All landscape works excluding street trees must be inspected by Council prior to the issue of the Subdivision Certificate. Council will need to be notified for the landscape inspection.

**71 Completion Certificate**

Prior to the issue of a Completion Certificate by the Certifying Authority, the applicant must submit satisfactory Works As Executed Plans, CCTV of stormwater drainage and evidence of all other testing and construction works in accordance with the approved Construction Certificate plans and Council's *Subdivision Design Code*.

The Completion Certificate must be requested by the applicant in writing.

**72 Verification of Waste Management**

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan shall be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate. All records, such as waste disposal docketts or photographic evidence, shall be retained by the Principal Certifying Authority.

**73 Repairs to Public Infrastructure**

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), must be repaired and reinstated prior to the issue of the Subdivision Certificate. This work must be carried out by Council, or Council approved contractor, at the expense of the beneficiary of the consent.

**74 Release of Certificate**

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

This condition excludes verge landscape works as the planting of street trees and verge turfing is to be deferred until 70% of dwellings have been constructed.

**PART G - AFTER ISSUE OF SUBDIVISION CERTIFICATE**

**75 Road & Drainage Works Maintenance Period**

All road and drainage works must be maintained for a minimum period of 12 months commencing from the date of issue of the Subdivision Certificate, unless otherwise agreed to by Council. Any defective works must be rectified and/or replaced during the maintenance period in accordance with the approved Construction Certificate plans. All works and costs arising during the maintenance period must be borne by the developer. All roads and drainage must be maintained in their original construction condition for this liability period. The developer must notify Council for a re-inspection at the end of the maintenance period.

#### **76 Landscape Maintenance Period**

To ensure establishment of the landscape, the completed landscaping works must be maintained for a 12 month period following the issue of the Subdivision Certificate. It is the responsibility of the beneficiary of the consent to ensure that any defective landscaping and/or plantings are rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

#### **77 Landscape Handover Inspection**

The landscape works on land to be dedicated to Council requires a handover inspection to be carried out at the end of the maintenance period. In this regard, the developer is to notify Council one month prior to handover to arrange an inspection with Council and the developer. Council will take full maintenance responsibility of all landscape works following a satisfactory result at the end of the maintenance period.

#### **78 Street Tree Inspection & Bond**

To ensure establishment of the street trees, the completed street tree installation works must be maintained for a six (6) month period following the issue of a satisfactory practical completion notice. The developer must notify Council for a reinspection of the street trees.

The street tree bond will be refunded following this maintenance period provided the street trees remain in a satisfactory condition. In the event that any street trees are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer must notify Council for a reinspection of the street trees.

#### **79 Acoustic Fencing-Retaining Wall Structure & Graffiti**

Graffiti on the boat ramp car park acoustic fencing-retaining wall structure must be removed within 24-48 hours of the incident. Where the boat ramp car park landscape works are inadequate in preventing incidents of graffiti, green screens along the wall-fence structure using low lying shrubbery or climbers (that do not compromise functional integrity of the structure) or other graffiti deterrent measure/s shall be carried out.

The requirements of this condition is limited to the time period prior to the dedication of this asset to Council. Any outstanding works relating to the requirements of this condition must be carried out prior to handover of the asset or as negotiated with Council.

#### ***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

#### Acoustic Fencing & Public Art

Public art treatment should be discrete, for example stencilling, rather than become focal point and draw attention to the structure. Reducing landscape to ensure public art is visible is undesirable and is contrary to the purpose of the public art.

### Advisory Notes – General

#### 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.

#### SafeWork NSW

The requirements of SafeWork NSW must be satisfied at all times.

#### Long Service Levy

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

#### 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.

#### 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.

#### Lapsing of Development Consent

In accordance with section 4.53 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.

#### 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 4.55 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.

#### 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



**SRPP No.2018STH007 / Development Application No. 619/2017  
Lots 4002 & 4003 DP 1235539, Harbour Boulevard Shell Cove**

---

development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. 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.

**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.

**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

**END OF NOTICE**

