

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 277-11-2004

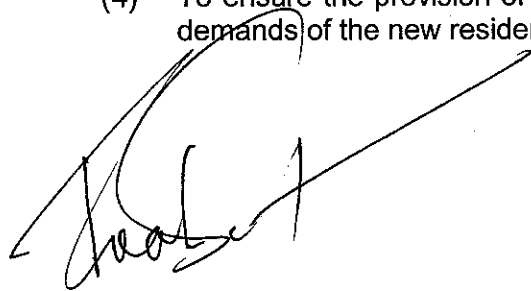
(FILE NO. 9036657-1)

**RESIDENTIAL SUBDIVISION INVOLVING THE CREATION OF 47 RESIDENTIAL LOTS,
ROADS, AND ASSOCIATED INFRASTRUCTURE**

I, the Minister for Planning, pursuant to Sections 80(1)(a), 80(3), and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No 71- Coastal Protection determine the development application referred to in the attached Schedule 1, by **granting deferred commencement consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure that the residential subdivision is safe from potential bushfire hazard;
- (2) To ensure a high standard of urban development is undertaken on the site;
- (3) To ensure the protection of water and environmental quality of the area; and
- (4) To ensure the provision of appropriate levels of urban infrastructure to meet the demands of the new residential development.



Frank Sartor MP
Minister for Planning

Sydney,

7th Nov 2006

SCHEDULE 1

PART A—TABLE

Application made by:	Allen, Price, and Associates 75 Plunkett Street, Nowra NSW 2541
Application made to:	Minister for Planning
Development Application:	277-11-2004
On land comprising:	Lot 5, 6 & 15 DP 25550 74 & 92 Island Point Road, St George's Basin
Local Government Area	Shoalhaven City Council
For the carrying out of:	Urban Subdivision to create 47 residential allotments A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$1,363,000
Type of development:	Integrated
S.119 Public inquiry held:	No
BCA building class:	N/A
Approval Body / Bodies:	Rural Fire Service Shoalhaven City Council Department of Environment and Conservation
Determination made on:	
Determination:	A deferred commencement development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 277-11-2004

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within twelve (12) months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The levies were imposed in accordance with Shoalhaven Section 94 Plan. The Shoalhaven Section 94 Plan may be inspected at the following locations during its normal business hours:

- (1) Shoalhaven City Council, Bridge Street Nowra

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means Allen, Price, and Associates Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Shoalhaven City Council.

DA No. 277-11-2004 means the development application and supporting documentation submitted by the Applicant on 11 November 2004.

Department means the Department of Planning or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations mean the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO.277-11-2004

PART A - DEFERRED COMMENCEMENT REQUIREMENTS

A1 Southern Boundary Bushfire Management

- 1) In accordance with Section 80(3) of the Environmental Planning and Assessment Act, 1979, this development consent shall not operate until the Applicant has submitted to the satisfaction of the Director, Urban Assessments, advice either from the Rural Fire Service (RFS) or a suitably qualified person experienced in bushfire hazard assessment that adequate measures have been taken to ensure there is an acceptable asset protection zone along the southern boundary of the property in relation to the future construction of dwellings on Lots 2,3, 26 to 28 inclusive and 29 to 37 inclusive.
- 2) Lot 5 in DP 25550, is to incorporate an easement with a restriction to user that this land is to be maintained in accordance with RFS requirements (as applicable at the time the consent becomes operational) in perpetuity or until the affected area is legally cleared in association with an approved development so that an Asset Protection Zone is no longer required in association with the future construction of the abovementioned dwellings. As at October, 2006, this requirement involves an easement 20 metres wide. Further, any proposed subsequent management to satisfy RFS requirements within the easement shall demonstrate that there will not be any unacceptable impacts, including in relation to the *Threatened Species Conservation Act, 1995* as amended. This information shall be submitted by a suitably qualified professional.

Upon satisfaction of the above condition and acknowledgement by the Director, Urban Assessments that the condition has been satisfied, this consent shall begin to operate subject to the matters hereunder.

PART B—ADMINISTRATIVE CONDITIONS

B1 Development in Accordance with Plans

The development shall be in accordance with development application number 277-11-2004 submitted by the Applicant on 11 November, 2004, and in accordance with the following:

Flora, Fauna, and bushfire Studies provided by BES Bushfire and environmental dated 7 June, 2006s		
Drawing No	Name of Plan	Date
24285-01- Revision D	Plan showing proposed residential subdivision over Lots 6 & 15 DP 25550 at Island Point Road, St Georges Basin for Southern Land Nominees	November 2004 as amended 8 June, 2006

except as modified by any condition in this consent.

B2 Vegetation Management Plan

A Vegetation Management Plan (VMP) shall be submitted to the Certifying Authority. This VMP must identify the proposed management of vegetation both during and after construction. The VMP is to include:

- Areas identified for under scrubbing in the subdivision site works;
- Regeneration of retained vegetation; and
- Ongoing Management of retained vegetation on the site.

B3 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

B4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under Clause 98 of the Regulation.

PART C—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 Local Access Roads

The proposed loop road from Island Point Road, north of the main east-west subdivision road shall have a carriageway of 8 metres. The pavement is to be designed for a traffic loading of 3 x 105 ESA and to be surfaced with a layer of Asphalt. The pavement thickness is to be determined from the charts in APRG Report No. 21. The pavement is to be contained with layback kerb and gutter. Subsoil drainage is to be provided behind the kerb line. The east-west carriageway along the southern boundary of the site is to be 8.0 metres wide. Details are to be provided to the Certifying Authority Prior to the issue of the construction certificate.

C2 Drainage

The provision of road drainage and the piping of drainage easements including inter-allotment drainage shall be in accordance with Council's Subdivision Code. Natural and surcharge flow paths are to be contained within drainage reserves to contain the 1:100 year flow. The drainage along the eastern boundary of the site shall include both piped drainage and an overflow channel for flows up to the 100 year event. Stormwater detention or retention shall be provided within the site to limit flows up to the 100 year event to pre-development levels prior to discharge to Council's existing piped stormwater system for both the eastern and western catchments. Details of proposed measures are to be provided to the Certifying Authority prior to the issuance of the Construction Certificate.

C3 Drainage Easement

Evidence of an easement for drainage and sewer through the adjoining land to the south-east corner of the site shall be submitted to Council prior to the works commencing. The easement for drainage and sewer through the adjoining land to the south-east corners of the site shall be piped to cater for the 100 year discharge from the catchment above, including uphill of the site, including the allowance for 50% blockage. Details of proposed measures are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

C4 Permanent Stormwater Quality Measures – for minor works

Detail engineering plans, specifications and maintenance programs for permanent stormwater quality measures, in accordance with Council guidelines or other guidelines

approved by the Certifying Authority, shall be submitted and approved prior to the issuance of the construction certificate.

C5 Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual - "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval with the application for a construction certificate. The SWMP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The SWMP shall include, but not be limited to:

- f) Existing and final contours;
- g) Identification of existing vegetation and current site drainage patterns;
- h) Nature and extent of proposed clearing, excavation and filling;
- i) Provision for the diversion of runoff around disturbed areas;
- j) Location and type of proposed erosion and sediment control measures;
- k) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas;
- l) Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles;
- m) Location of and proposed means of stabilisation of site access;
- n) Proposed staging of construction and SWMP measures;
- o) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turfing where erosion or scouring is likely to occur, and frequency of watering;
- p) Maintenance program for all soil and water management measures;
- q) Disposal site for silt removed from sediment traps;
- r) All design criteria and calculations used to size erosion and sediment control measures;
- s) Standard construction drawings for proposed soil and water management measures.

Details of proposed measures are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

C6 Erosion

All table drains constructed shall be rehabilitated as follows:

- (a) Table drains with grades less than 5% shall be shaped to a uniform dish cross section placed with 75-100mm of topsoil, track machine rolled, fertilised and seeded.
- (b) Table drains with grades 5 to 10% shall be treated similarly to those having less than 5% grade but with the addition of a layer of Jutemaster TM or Fire Mulch over the topsoil.
- (c) Table drains with grades greater than 10% shall be uniformly shaped and lined with either concrete, rock and cement grout or shotcrete. The road bitumen seal for those sections is to be widened to the edge of the lining.

C7 Landscaping and Public Reserve

All streets shall be landscaped at the rate of two trees per allotment. A landscape plan, including the timing of the planting, shall be prepared by a qualified landscape architect and lodged with an application for a Construction Certificate. Plantings shall be in accordance with the approved landscaping plan and must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

The applicant shall include in any landscape plan the removal of any trees in proposed public reserves, drainage reserves or pathways which could be assessed as being dangerous. Assessment for removal is to be made on the grounds of being of risk to public or private property or persons. The landscape plan shall provide for replanting of suitable low growing species to replace any trees removed. Council may determine if additional trees are to be removed.

C8 Construction Standard

All works are to be in accordance with the requirements of Councils Subdivision Code DCP100 unless otherwise specified in this consent.

C9 Engineering Plans

Prior to the construction of works, Council or an accredited certifier is to issue a Construction Certificate for the approval of engineering plans and, following construction, a Compliance Certificate certifying that all works have been constructed in accordance with the approved plans. A copy of the approved plans is to be provided to Council for its records. In particular, a Compliance Certificate shall certify that the following have been carried out to plan and specification:

- All clearing works;
- Bulk earthworks;
- Drainage lines including interallotment; _____
- Drainage pits, headwalls, and culverts;
- Bridges and culverts;
- Pavement sub grade;
- Pavement to underside of kerb and gutter;
- Kerb and gutter;
- Pavement base course densities;
- Pavement prior to bitumen or asphalt sealing;
- Erosion control measures;
- Final cut and trim, seeding and grassing;
- Signage; and
- Stormwater pollution control.

C10 Weed Management Plan

The applicant is to undertake the removal of weeds from the subject site. This plan must be implemented by a suitably qualified person. Details are to be provided at Construction Certificate Stage. The applicant is responsible for the following works:

- Primary Weeding;

- Secondary Follow up Weeding; and
- Maintenance Weeding.

The responsibility of weed maintenance will remain with the applicant on land within their ownership throughout the life of the development.

C11 Threatened Species Corridor

A corridor of a minimum of 15 metres in width shall be provided on the western boundary of the site. This shall be designed by a qualified environmental consultant to ensure spacing and type of trees is suitable for the yellow bellied glider, and an arborist to ensure the selection of suitable trees in terms of safety. This corridor shall be incorporated into Lots 2-9 and be expressed by an 88B Instrument. Details are required to be provided to the PCA prior to the issue of the construction certificate.

C12 Stormwater Drainage Management and drainage easements

In order to reduce maintenance costs the 10 metre wide drainage strip along the eastern boundary shall be contained within the lots as a drainage easement,

The 10 metre wide area nominated along the eastern boundaries of Lots 21 to 28 as a reserve shall be converted into an easement incorporated into the aforementioned lots. This is to provide drainage and vegetation management in accordance with *Threatened Species Act, 1995* and drainage requirements in accordance with *Shoalhaven DCP 100 – Subdivision Code*. Provision must be made for the following:

- a) No side boundary fences are to be constructed or maintained within or along the edge of the 10 metre wide easement that restrict the overland flow of stormwater;
- b) The drainage system above and below the ground within the easement shall be maintained by the land owner;
- c) Trees within the 10 metre wide easement are not to be removed; and
- d) Underground piping and above-ground channel mounding must be provided. Any vegetation retention other than trees shall be outside of the drainage corridor.

Details are required to be provided to the Certifying Authority prior to the issue of the construction certificate.

C13 Utility Services - Electricity

The provision of electricity to service allotments in the proposed subdivision shall be in accordance with the requirements of Integral Energy and who are to confirm in writing that conditions of supply have been met prior to the issue of the Construction Certificate.

The conditions which Integral Energy may stipulate some or all of the following:-

- (a) Execution of all specified works, including line route clearing, to the required standard;
- (b) Granting of easements for electricity purposes within the subdivision, as determined; and
- (c) Obtaining permission to construct and maintain power lines across properties not contained within the subdivision.

C14 Utility Services – Telephone

The provision of telephone service to each lot to the requirements of Telstra or the relevant telecommunications company. Details shall be provided to the Certifying Authority prior to the issue of the construction certificate

C15 Upgrade of Concrete Pathways

The existing concrete path along the eastern side of Island Point Road immediately adjoining the subject site shall be realigned at the new intersection and provided with pram ramps in accordance with the relevant Australian Standards. Details shall be provided to the Certifying Authority prior to the issue of the construction certificate.

C16 Footpath/Cycleway

A concrete shared footpath/cyclepath along the internal loop road for the site. The footpath is to extend from the intersection shall be provided with Island Point Road. The location of the footpath/cyclepath is to be approved by Council prior to construction, and detailed plans are to be approved by Council prior to the issue of a construction certificate.

C17 Retaining wall on the northern side of the new intersection to Island Point Road

A retaining wall shall be provided on the northern side of the new intersection to ensure suitable cross fall of the nature strip. Details shall be provided to the Certifying Authority prior to the issue of the construction certificate.

C18 Removal of vegetation along Island Point Road

Existing vegetation in proximity to the proposed intersection shall be removed along Island Point Road. This is to limit any obstruction to sight distance to an acceptable level. Details are required to be provided to the Certifying Authority prior to the issue of the construction certificate.

PART D—PRIOR TO COMMENCEMENT OF WORKS

Construction Management

D1 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Council or the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic management (see also C5 below);
- (4) noise and vibration management (see also C6 below);
- (5) waste management (see also C7 below);
- (6) erosion and sediment control (see also B11); and
- (7) flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department and Council.

D2 Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council or the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site;
- (2) loading and unloading, including construction zones;
- (3) predicted traffic volumes, types and routes;
- (4) pedestrian and traffic management methods; and

The Applicant shall submit a copy of the approved plan to the Department and Council.

D3 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council or the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources;
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment;
- (3) The construction noise objective specified in the conditions of this consent (E10);
- (4) The construction vibration criteria specified in the conditions of this consent (E9);
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (6) Noise and vibration monitoring, reporting and response procedures;
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions;
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction;
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent;
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency;
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration; and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to the Department and Council.

D4 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person. The Applicant shall submit a copy of the plan to the Department and Council.

D5 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

D6 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department and Council a report addressing compliance with all relevant conditions of this consent.

D7 Access – Adjacent Properties

All construction work is to be carried out so that at any time adjoining property owners are not deprived of an all weather access or subjected to additional storm water runoff during the period of construction.

D8 Work-as Executed Plans

Work-as executed plans certified by a consulting engineer/surveyor shall be submitted to Council upon completion of works for the following:

- Pipe sizes and invert levels at drainage pits, culverts, headwalls, etc;
- Dimensions and levels of detention basins, swales and open channels;
- Permanent stormwater quality improvement devices; and
- Kerb and gutter levels where grades are less than 1%.

D9 Supervision of Works

The works are to be supervised by a qualified, experienced person. Prior to the commencement of works, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

PART E—DURING CONSTRUCTION**Site Maintenance****E1 Erosion and Sediment Control**

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

E2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

E3 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

E4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority, and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

E5 Contact Telephone Number

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

E6 Protection of Trees – Street Trees

All street trees which are to be retained shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

E7 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

E8 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) All materials shall be stored or stockpiled at the best locations;
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;

- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration

E9 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 3:00 pm, Saturdays;
- (3) no work on Sundays and public holidays;

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

E10 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

E11 Construction Noise Management

The Applicant shall:

(1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:

- (a) 9.00 am to 12.00 pm, Monday to Friday;
- (b) 2.00 pm to 5.00 pm Monday to Friday; and
- (c) 9.00 am to 12.00 pm, Saturday

(2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

E12 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

E13 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

E14 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

E15 Vegetation Removal

All vegetation, trees, stumps which are approved for removal by this consent are to be either removed from the site or mulched on site. Council will not permit such material to be burnt on site.

E16 Damage to Public Assets – to be repaired by applicant

Any damage to the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, that occurs during development works shall be repaired by the applicant. The developer or his agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense.

E17 Traffic Control

All works undertaken within or leading from a public road under the control of Council shall be provided with traffic control in accordance with AS1742.3. Such control is to be in place and maintained during the construction of the works. The traffic control plan is to be approved by Council or an accredited certifier prior to the commencement of works.

PART F—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Easements

F1 Access

Fire safety easements for access and fire safety as required by this consent must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

F2 Services

Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision and this consent must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

F3 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

F4 Water Supply

A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of A Subdivision Certificate.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Contributions for Additional Services and/or Facilities

F5 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

This development will generate a need for additional services and/or facilities as described in Council's Contributions Plan 1993, as itemised in the following table.

Project	Description	Rate	Qty	Total	GST	GST II.
01FIRE0009	City Wide – fire control/state emergency services	\$29.77	47	\$29.77	0.00	\$1399.19
03AREC0001	Tennis, Football, Cricket, Basketball, & Netball (Area 3)	\$1,775.38	47	\$1,775.38	0.00	\$83442.86
03AREC0003	Amend. No. 17 Basin Leisure Centre	\$450.97	47	\$450.97	0.00	\$21195.59
03cfac0001	S.94 CP AMENDMENT No. 67 – Bay and Basin District Community Centre and Branch Library	\$658.26	47	\$658.26	0.00	\$30,938.22
03CFAC0001	S.94 CP AMENDMENT No. 67; Bay and Basin District Recreational & Cultural Hall (Vincentia HS)	\$15.82	47	\$15.82	0.00	\$743.546
03FIRE0001	St Georges Basin – fire control	\$73.69	47	\$73.69	0.00	\$73.69
03ROAD0021	Amend No. 29. St GEORGES BASIN – Construct Bypass	\$567.18	47	\$567.18	0.00	\$26657.46
CWAREC0003	Hockey Facilities	\$215.37	47	\$215.37	0.00	\$10122.39
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 1: Shoalhaven City Library Extensions	\$243.11	47	\$243.11	0.00	\$11426.17
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 2: Shoalhaven City Arts Centre	\$21.99	47	21.99	0.00	1033.53
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 3: Shoalhaven Mobile Children's Services	\$7.21	47	\$7.21	0.00	\$338.87
CWCFAC002	Shoalhaven Multi Purpose Cultural and Convention Centre	\$403.19	47	\$403.19	0.00	\$18,949.93
CWMGT0001	Project Management Costs	\$182.77	47	\$182.77	0.00	8590.19
CWOREC0001	Embellishment of Icon and District Parks and Walking Tracks	\$140.96	47	\$140.96	0.00	\$6625.12
MACFAC0001	Northern Shoalhaven Integrated Children's Services Cnr of Osborne and Worrigee Street, Nowra New Project	\$39.44	47	\$39.44	0.00	\$1853.68
MACFAC0002	S.94 CP AMENDMENT No. 67: Northern Shoalhaven Community Transport and Family Support Services Park Road, East Nowra New Recoupment Project	\$11.30	47	\$11.30	0.00	\$531.10

Sub Total \$277, 311.27

GST Total 0.00

Estimate Total 277, 311.27

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment.** (i.e.

contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of \$227,311.27 (i.e. 2006/2007 rate) or as indexed in future years shall be paid to Council before the issue of a subdivision certificate.

Contributions Plan 1993 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

F6 Other details required prior to Issue of Subdivision Certificate

The applicant shall submit to the satisfaction of the consent authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s), and
- (2) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 277-11-2004 and of compliance (or a Compliance Certificate) with the conditions of that consent.

PART G—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

There are no Part G conditions relevant to this consent.

PART H—POST OCCUPATION

There are no Part H conditions relevant to this consent.

PART I—GENERAL TERMS

I1 Section 138 Permit from Shoalhaven City Council

Prior to the commencement of any construction works within the road reserve, the applicant shall obtain a Section 138 Permit from Council to undertake such works. A traffic control plan, prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation, is to be submitted to Council along with the following information to allow completion of the Section 138 form:

- a) The contractors ACN or ARBN number;
- b) A description of the work to be undertaken and the location e.g., property address;
- c) The dates for commencement and completion of the work;
- d) A copy of the contractors \$20,000,000 public liability policy to indemnify Council;
- e) A Direction to Restrict Traffic Speed (DRTR), where applicable, from the RTAs Traffic Operations Unit. Contact: Southern speedzoning@rta.nsw.gov.au Or fax 4227 3705 or Ph 4221 2556

The consultant is to certify that the traffic control plan complies with the current RTA manual 'Traffic Control at Work Sites'. Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

Reason: To ensure works within the road reserve are carried out safely and in accordance with the requirements of the RTA and Council and the integrated development provisions of the Act.

12 Approval required for work within the Road Reserve – Section 138 Roads Act

Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council in order to obtain the s.138 approval:

- Pavement design
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.
- Insurance details

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).

Rural Fire Service

13 Bushfire Safety Authority

The New South Wales Rural Fire Service has granted a Bushfire Safety Authority subject to the following conditions:

1. There shall be a minimum of 40 metres to the south with 30 metres maintained as an Inner Protection Area and 10 metres as an Outer Protection Area as outlined within Section 4.2.2(b) in Planning for Bushfire Protection 2001. An Asset Protection Zone to the south must be provided by way of an easement on the adjoining land or the adjoining land to the south is cleared and developed.
2. A Section 88B restriction as to user shall be placed on all lots within the subdivision that the lots cannot be sold until they are hazard reduced so that all proposed lots have the vegetation managed as an Outer Protection Area as outlined within Section 4.2.2 in Planning for Bushfire Protection, 2001. The Section 88B restriction to users shall also include that the land is to be maintained as an Outer Protection Area until development occurs.
3. A Bushfire Management Plan is to be prepared for the Linear Corridors shown on the Proposed Residential Subdivision Plan prepared by Allen, Price, and Associates (REF. No. 24285-01 REVISION 'D' Dated 8 June 2006 to ensure that these vegetated areas are not able to generate into a bushfire hazard.
4. The location of fire hydrants shall comply with the distances detailed in Section 6.4.3 of Planning for Bushfire Protection 2001. Locations of fire hydrants are to be

delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

5. All roads 8 metres wide shall located services outside of parking reserves to ensure accessibility to reticulated water for fire suppression.
6. All roads between 8 metres and 7 metres wide shall be No Parking on one side with services (hydrants) located opposite parking sides to ensure accessibility to reticulated water for fire suppression.
7. All roads between 7 metres and 5.5 metres wide shall provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
8. Two way roads shall be a minimum of 5.5 metres wide.
9. Parking bays shall be a minimum of 2.6 metres wide from kerb edge to road pavement. No services or hydrants are to be located within the parking bays.
10. All roads directly interfacing the bushfire hazard vegetation shall provide layback kerbing to the hazard side of the road.
11. All provisions detailed within Section 4.3.1 of Planning for Bushfire Protection 2001, other than those modified by the above provisions, shall be complied with.
12. Property access to proposed Lot 9 shall comply with the road with, curve and grade requirements of Section 4.3.2 of Planning for Bushfire Protection 2001.
13. Two way roads shall be a minimum of 5.5 metres wide.
14. Parking bays shall be a minimum of 2.6 metres wide from kerb edge

Details must be provided on the Construction Certificate plans.

Reason: To ensure the proposed subdivision complies with the requirements of 'Planning for Bushfire Protection' and the integrated development provisions of the Act.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN3 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN4 *Stormwater drainage works or effluent systems*

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the *Local Government Act, 1993* will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN5 *Temporary Structures*

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN6 *Street Signs*

The erection of street direction signs at all street intersections and in accordance with Council approved street names. Street signs shall be in accordance with requirements of Council's Subdivision Code and as amended.

AN7 *Approval of Regulatory signage and pavement markings*

Details of any line markings and regulatory signs shall be submitted to Council for approval which will include referral to the Shoalhaven Traffic Committee, and subsequently the formal adoption by Council. Six to eight weeks should be allowed for this process.