

**NOTICE TO APPLICANT OF DETERMINATION OF SUBDIVISION CONSENT
MODIFICATION OF SUBDIVISION CONSENT**

STAGES 2 & 3

**Environmental Planning and Assessment Act, 1979
SF9183**

SF9183, DS06/1371, DS15/1084 & **DS16/1385**

TO:

Allen Price & Scarratts
PO Box 73
NOWRA NSW 2541

being the applicants entitled to act with respect to SF9183 for **AUS PREMIER PROPERTY
DEVELOPER PTY LTD (GOBBO)** relating to:

Lot 1 DP 788159 Links Avenue, Sanctuary Point

APPROVED USE AND/OR DEVELOPMENT:

DS15/1084

DS16/1385 amends description of Approved Development

Stage 2 – 21 lots, roads, public reserve and residue lot;

Stage 3A – 18 residential lots and public reserve

Stage 3B - 11 residential lots.

Stage 3 – 29 lots and public reserve

DETERMINATION DATE:

DS06/1371

DS15/1084

DS16/1385

31st August 2004

3 April 2008

26 May 2015

4 November 2016

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

31st August 2004

CONSENT TO LAPSE ON:

31st August 2009

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

Notes:

- (1) *Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date except where a condition specifies a limit to the duration of the consent.*
- (2) *Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.*

General

DS15/1084

DS16/1385 amends Condition 1:

1. This consent relates to the subdivision proposal as illustrated on the plans (**Surveyor's reference 23825s** and dated APRIL 04, except for **Stages 3A and 3B, which relate to plan 23825-10 Revision 02 dated 17.02.2015 and amended 29.08.2016**, and stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.
1. ~~This consent relates to the subdivision proposal as illustrated on the plans (**Surveyor's reference 23825s** and dated APRIL 04, except for Stage 3, which relates to plan 23825-02 dated 18 December 07, and **Rev 01 dated 26 Feb 2015** stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.~~

Note:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the condition shall prevail to the extent of that inconsistency.*
- *The Environmental Planning & Assessment Act, 1979 provides that development consents are subject to conditions, which are prescribed by the Regulations under the Act. These conditions are listed on the attached sheet and form part of this development consent. Not all of the prescribed conditions are relevant to every development proposal.*

Construction Certificate

2. A construction certificate must be obtained from either Council or an accredited certifier before any building work can commence.

Utility Services

3. The provision of underground 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.
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- a) ~~The conditions which Integral Energy may stipulate shall include some or all of the following:-~~
 - i) Execution of all specified works, including line route clearing, to the required standard.

- ii) Granting of easements for electricity purposes within the subdivision, as determined.
- iii) Obtaining permission to construct and maintain power lines across properties not contained within the subdivision.
- b) ~~The provision of telephone service to each lot to the requirements of Telstra.~~
- c) 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 an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

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

Construction Hours

- 4. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Engineering Conditions

DS15/1084

- 5. The extension of the local residential access street beyond lot 433 to have a carriageway of 7 metres. The pavement to be designed for a traffic loading of 3×10^5 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.

DS15/1084

- 6. The local residential access street linking this estate with the adjoining land to the west is to be constructed as part of Stage 2 and is to have a carriage way width of 7 metres. The pavement thickness is to be designed for a traffic loading of 3×10^5 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 intersection with the extension of the road beyond lot 433 is to be configured so that the northern leg terminates and gives way to traffic travelling between the southern and western legs.

DS15/1084

7. The extension of the local residential access street beyond lot 401-432 to have a minimum carriageway of 5 metres. The pavement to be designed for a traffic loading of 6×10^4 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.
8. 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.
9. Any works undertaken as a requirement of this consent and which cause damage to Councils infrastructure will be repaired to equal that which was there prior to the release of the plan of survey.
10. A Construction Certificate is to be obtained for pavement design required in this consent.
11. The provision of road, drainage and piping of drainage easements for a 1:5 year rainfall recurrence interval and in accordance with Council's Subdivision Code. This includes the piping of the drainage line discharging into proposed Lot 134, together with interallotment drainage where necessary. Lots that contain natural flow paths are to be provided with building setbacks so as to contain the 1:100 year flow. The total storm water discharge from the subdivision shall be no greater than the 1 in 20 year rural discharge.
12. The provision of drainage easements and/or drainage reserves including interallotment drainage easements to serve all lots that cannot naturally drain to the roads. All interallotment drainage lines shall benefit upstream lots. Interallotment drainage easements are to be 1 metre wide. The Section 88B instrument is to state that the maintenance of the drainage easement is the responsibility of the respective lots benefiting from the easement.
13. All streets shall be landscaped at the rate of two trees per allotment. A landscape plan shall be prepared by a qualified landscape architect and lodged with an application for a Construction Certificate. Plantings shall take place prior to the completion of the subdivision and in accordance with the approved landscaping plan, plant species selected shall be locally endemic.
14. a. All vegetation, trees, stumps etc required to be removed for the approved engineering construction works are to be either removed from the site or mulched on site. Council will not permit such material to be burnt on site.
b. The hollow bearing trees within stage 2, as identified by Gunninah Environmental Consultants (Plan Ref No No23825), must be retained where they will not be impacted upon by roads, services and future houses. If any trees are within range of a development and could later be removed under Council's Tree Preservation Order and Tree Management Policy, hollow-bearing trees or trees (to be fitted with nest boxes) within proposed stage 3 must be added to the area of public reserve.
c. Prior to issue of a construction certificate, the drip-line surrounding any hollow-bearing trees that are to be retained within the development footprint shall be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance to roots, or soil build-up around the base of the tree.
d. There shall be no removal or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, without the prior written consent of the Shoalhaven City Council Director of Development & Environmental Services, except in accordance with this consent.

- e. All vegetation removal and clearing works must be supervised by a suitably qualified environmental consultant to ensure environmentally sensitive habitat is not impacted upon. Details of the consultant must be forward to Council prior to the issuing of a construction certificate.

DA06/1371 deletes f.

DA06/1371 deletes g.

- h. The parking of vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees to be retained is prohibited.
15. The applicant shall include in any landscape plan the removal of any trees in public reserve areas 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.
16. Following topsoiling of disturbed areas, two strips of turf are to be laid behind the kerb and gutter.
17. The applicant shall prepare plans and specifications for the temporary and permanent stormwater pollution and erosion control facilities generally in accordance with Council's guidelines. All bare ungrassed areas within the subdivision are to be seeded. Areas shall be turfed where erosion or scouring is likely to occur.
18. 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.
19. Prior to the construction of works Council or an accredited certifier is to issue a Construction Certificate for the approval of engineering plans and 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 subgrade
 - 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

- Stormwater pollution control

20. Where works are proposed within Council public road network a Section 138 consent issued under the Roads Act 1993 is to be obtained from Council's Subdivision and Development Manager prior to commencement of work. It will be the applicant's responsibility to check and ensure that the proposed works are not affected by Council's, Integral Energy and/or Telstra/Optus or Actew AGL gas distribution services. Any required alterations to services will be at the applicant's expense.

RESTRICTIONS

21. The following shall be created as restrictions-as-to-user under Section 88B of the Conveyancing Act.

- (a) The keeping of cats is prohibited.
- (b) Any landscaping to be undertaken will utilize native, endemic species, particularly those that provide habitat resources for threatened species, (eg *Allocasuarina littoralis*, *Eucalyptus sclerophylla*, *Corymbia gummifera*, *Corymbia maculata*). A full list of species is included in the Flora and Fauna Assessment provided by Gunninah Environmental Consultants.
- (c) In preparing the Instrument setting out the terms of easements and restrictions affecting this land, ensure that such restrictions cannot be varied, modified or released without the consent of the necessary parties involved and without the consent of the Shoalhaven City Council, where appropriate.
- (d) Except those required by Council, the final plan and associated instruments shall not contain restrictions that prohibit development allowed under the relevant environmental planning instruments applicable to the site.

General Conditions

22. Creation of the proposed lots as per the approved plan.
23. The developers will provide information to future residents that includes the provision of signage proclaiming the area as a cat prohibited zone and explanation of the area as being important for local threatened species, specifically glossy black cockatoos and yellow bellied gliders, *Melaleuca biconvexa*, *Syzygium paniculatum*.
24. Hollow-bearing trees to be removed shall be inspected for the presence of animals by a suitably qualified person, prior to their removal. Where animals are found, they shall be encouraged to leave, or captured for later release on another site. Nocturnal animals shall be released at dusk. Injured fauna shall be transferred to the care of NANA (Contact details for Native Animal Network Association (NANA) are telephone 4443 4877 or mobile 0418 427 214 or email nana@shoal.net.au <<mailto:nana@shoal.net.au>>.)

DS15/1084

25. The application shall submit 5 copies of the plan of survey to Council for their record prior to the issue of a Subdivision Certificate.
26. If it is proposed that this application will proceed and be released in a number of stages, it will be necessary to lodge with Council an application pursuant to Section 96 of the Environmental Planning & Assessment Act 1979. This is required so that conditions and contributions applicable can be amended to reflect each proposed stage.

DS06/1371 amends 27.

DS15/1084 amends 27.

DS16/1385 amends condition 27:

27. **Stage 3A** Stages 3, comprising of lots 501-507, is approved subject to the additional specific requirements:

- a) The Plan of Management for the subdivision shall include Lot 507;
- b) Plantings, including locally sourced *Allocasuarina littoralis*, as recommended by the Plan of Management for Lot 307 shall be undertaken prior to linen release.

DS16/1385 amends Engineering Conditions heading:

Engineering Conditions – Stage 3A and 3B

Construction Certificate

- c) A Construction Certificate must be obtained from Council before civil works of any kind can commence. Vegetation removal and under-scrubbing may be excepted from this requirement subject to the written approval of the Subdivision Manager or his nominee, as set out in other conditions of this consent.
- d) To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Design and Construction Standard DCP100

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

General Engineering Design by Eng/Surveyor

- f) Detailed engineering plans and specifications for road and drainage works referred to in this Consent within the road reserve and on other public land shall be prepared by a practising engineer or surveyor.

Existing services - BASIC CHECK

- g) The developer or his agent must check that the proposed works are not affected by any Council, electricity, telecommunications, gas service or other services. Where the lids of pits containing services and/or the services are to be lowered, the developer must demonstrate the feasibility to do so, prior to the issue of a Construction Certificate. The approximate height of lowering is to be shown on the design plans. Any required alterations to services will be at the developer's expense.

Engineering Plans

- h) The submission of necessary engineering design plans and specifications for the work referred to in this consent for examination and approval by the Subdivision Manager or his nominee. Specifications for road and drainage works shall be as specified under Council's Subdivision Code DCP 100 Part 2 Engineering Design Specifications and Part 3 Development Construction Specifications and this will be the standard for construction works required. Where roadworks involve construction on Crown Roads, it will be the applicant's responsibility to obtain approval from Department of Natural Resources (Lands Office) and meet all administration charges. A copy of the Lands Office approval shall be submitted to Council with the plans for a Construction Certificate.

Supervision of Works

- i) The works are to be supervised by a qualified, experienced person. Prior to the commencement of works, Council must 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 and their maintenance. **Please note; Council's Subdivision Inspector is not to be used as the supervisor.**

Certification of civil works

j) Council's Subdivision Inspector will confirm/approve by any or all of these methods (site inspection, receipt of test documentation*, receipt of works as executed plans*) that the following works (not necessarily in this order) have been constructed in accordance with the approved plans and specifications and or DCP100:

- All clearing works and bulk earth works
- Pipelines including inter-allotment
- Erosion and sediment control measures
- Drainage pits, culverts, headwalls and bridges
- Detention basins, swales and open channels
- Temporary stormwater quality improvement devices
- Pavement subgrade and base-course densities and thicknesses
- Pavement to underside of kerb and gutter or other approved edge constraint
- Pavement prior to bitumen or asphalt sealing
- Final seal finish
- Footpath crossing, layback gutter and driveway
- Permanent stormwater quality improvement devices
- Final cut and trim, seeding and grassing, landscaping
- Signage and other traffic control devices

Items marked with * are to be carried out by suitably qualified consultants and submitted to the Subdivision Inspector for approval/confirmation.

Pavement tests for roadworks

k) Pavement design for roadworks within road reserves and on other public land and proposed community or common property shall be supported by test results for the in-situ subgrade material and approved by Council. These tests shall be carried out by a NATA approved laboratory, or may be carried out by Council at the applicant's expense.

Work-as Executed Plans

l) Work-as executed plans certified by a consulting engineer/surveyor shall be submitted to Council for its records upon completion of works and prior to the release of the plan of survey for the following:

- Location, invert levels, finished surface levels and sizes of drainage pipes, pits, headwalls etc including inter-allotment, culverts, headwalls and bridges
- Dimensions of scour protection works
- Finished driveway levels and falls within common property

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

m) Prior to undertaking any works within an existing 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 to obtain the s.138 approval:

- Any pavement design required by this consent
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the motoring 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
- Name and contact information of the person/company appointed to supervise the construction.

Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works.

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).

Traffic Control

n) All works undertaken within or adjacent to a public road shall be provided with traffic control in accordance with the Traffic Control Plan as a minimum. As a result of changing conditions, additional traffic control measures may be required to comply with the OH&S Act and WorkCover requirements. Such control is to be in place and maintained to these requirements during the construction of the works. **NB: Traffic includes both vehicular and pedestrian.**

Easements for Services in Reserves

o) Easements shall be created at no cost to Council for all services (power, telecommunications, water supply, sewer, stormwater, etc) required by this consent that are placed in or on public reserves. Where the reserve already exists, the separate approval of Council (Community and Operations Group) is required for services to be placed in a reserve. If the reserve is used for public recreation, a booking may also be required in advance.

Maintenance Bonds

p) A cash bond or irrevocable bank guarantee, to repair any deficiencies in the works or to repair or mulch areas where grass seeding or turfing did not establish, shall be lodged with Council if a Subdivision Certificate is sought prior to the end of the 6 month maintenance period for the works. The amount shall be 5% of the cost of the civil works (excluding water supply and sewerage).

Tree Planting in New Streets

q) All streets shall be landscaped at the rate of two trees per allotment or preferably one larger tree of minimum 60 litre pot size located centrally adjacent to each lot. Each planted tree shall be protected by a braced structure comprising 4 timber posts with 75mm x 75mm minimum dimensions. Trees are to be planted prior to the issue of a

Subdivision Certificate, however in multi-stage subdivisions; this may be deferred until a later stage of the subdivision. Root barriers, running longitudinally with civil infrastructure (above or below ground) that are susceptible to root damage, are to be placed adjacent to trees extending a minimum of half the mature tree drip line and a minimum of 1.0metres deep.

Landscaping Works - General

- r) Landscaping shall include turfing or grass seeding with perennial species or mulching of all disturbed areas. Seeded grass must be established prior to the issue of a Subdivision Certificate. Other plantings shall take place prior to the completion of the subdivision and in accordance with the approved landscaping plan. All landscaping shall be maintained until the end of the maintenance period of the works. In multi-stage subdivisions, landscaping shall be maintained by the developer until the end of the maintenance period of the final stage.

Vegetation Removal

- s) All trees and other vegetation in road reserves are to be removed unless specifically identified to be retained. Suitable trees may be retained within the future footpath area as part of the landscaping works subject to Council approval. Any excavation greater than 300mm deep within the drip-line of trees to be retained shall not be undertaken with mechanised equipment unless approved by an arborist.
- t) Trees in unformed road reserves, existing or proposed public/drainage reserve areas or pathways and within lots are to be assessed by an arborist and those identified as being dangerous are to be removed. Assessment for removal is to be made on the grounds of being of risk to public or private property or persons. Any trees to be removed from public reserves are to be replaced by suitable low growing species. Council may determine if additional trees are to be removed.

Vegetation to be Mulched / Transported

- u) All vegetation, trees, stumps etc that are to be removed shall be either mulched on site or transported to a green waste receiving station or other approved location. Vegetation or other material shall not be burnt on site. Onsite mulched material may be re-used throughout the site to aid in erosion control and for water conservation around landscaping. Details are to be included with the landscaping or construction plans for approval.

ESCP (<2500m² disturbed area) – for MINOR works

- v) The preparation of an Erosion and Sediment Control Plan (ESCP) 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 ESCP 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 ESCP shall include, but not be limited to:
 - i) Provision for the diversion of runoff around disturbed areas;
 - ii) Location and type of proposed erosion and sediment control measures;
 - iii) Location of and proposed means of stabilisation of site access;
 - iv) Approximate location of site sheds and stockpiles;
 - v) Proposed staging of construction and ESCP measures;
 - vi) Clearance of sediment traps on a regular basis and after major storms;

- vii) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- viii) Standard construction drawings for proposed erosion and sediment control measures.

Runoff from uphill not to be obstructed

- w) Runoff currently entering the site from uphill properties shall not be obstructed from entering the site nor redirected, other than by works in accordance with a plan approved by Council, so as to increase the quantity or concentration of surface runoff entering adjoining properties.

Damage to Public Assets – to be repaired by applicant

- x) Any damage to the existing kerb & gutter, footpaths, pathways, road pavements, reserves or any other public infrastructure that occurs during development works shall be repaired by the developer. Trench restoration shall be in accordance with DCP100 and to the satisfaction of Council. 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 work being repaired at the applicant's expense.

Road reserve to be kept clear of debris

- y) Existing roads, footpaths and reserves adjacent to and nearby the site shall be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

Access – Adjacent Properties

- z) 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.

Turfing

- aa) Following topsoiling of disturbed areas, two strips of turf is to be laid behind the kerb and gutter.

Street Signs

- bb) The erection of street name 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.

Concrete Driveway – 1 to 2 lots

DS15/1084

- cc) The access to lots 505, 506A & 506B shall be constructed with a centrally placed 3.5 metre wide concrete pavement having a depth of 125mm, reinforced with F72 using 20mpa concrete. The slab is to be located over 75mm of compacted fine crushed rock. Where services are only provided to the street property boundary, conduits with temporary capping shall be provided for the full length of the driveway.

DS15/1084

- cc1) The access handle to lots 420A & 413 shall be designed with two reinforced concrete strips centrally placed each 0.8 metres wide by 100mm deep and spaced 0.8 metres apart, reinforced with F72 mesh using 25mpa concrete. The strips are to be located over 75mm of compacted fine crushed rock. The design shall include conduits for services for the full length of the driveway

and ensure rainwater runoff is not concentrated onto adjoining lots whether or not they are part of the subdivision.

Alternatively, car tracks may be replaced with a centrally placed 3 metre wide concrete pavement having a depth of 100mm, reinforced with F72 mesh using 25mpa concrete. The slab is to be located over 75mm of compacted fine crushed rock.

Right of Way or Common Property Access – Signage

DS15/1084

- dd) Creation of reciprocal rights of way over the access handles of lots 505, 506A & 506B. The 88b instrument is to specify the terms of maintenance by the owners. All rights of way shall be sign posted at their commencement stating the road is private.

Stormwater Connections in Road Reserve to be approved by Council

- ee) Stormwater connections between the property boundary and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Subdivision Manager or their nominee and backfilled as soon as possible.

Road and Drainage Works to be Undertaken

- ff) The construction of roads, drainage and piping of drainage easements for a 1:5 year rainfall recurrence interval and in accordance with Council's Subdivision Code. This includes interallotment drainage where necessary. Lots that contain natural flow paths are to be provided with building setbacks to contain the 1:100 year flow.

Drainage Easements

- gg) The creation of drainage easements and/or drainage reserves including interallotment drainage easements to serve all lots that cannot naturally drain to the roads. All interallotment drainage easements are to be minimum 1 metre wide and shall benefit upstream lots. The 88B Instrument to state that maintenance of the drainage easement is the responsibility of the proprietors of the respective lots benefiting from the easement.

Disposal of excavated material

- hh) All surplus excavated material shall be hauled to an approved landfill site. Details of fill storage and/or disposal and haulage routes shall be submitted to Council for approval prior to the commencement of works.

Dedication of Roads, Pathways and Reserves

- ii) Proposed roads, pedestrian and cycle paths and reserves within the subdivision as shown in the submitted plan are to be dedicated. Property boundaries at road intersections shall have minimum 4m corner splays. The dimensions of splays on local access roads and other roads of a higher hierarchy shall be based on the size of kerb return needed to cater for the appropriate design vehicle. Intersections with roundabouts shall have splays increased to minimum 6 metres for 18 metre wide roads and minimum 8 metres for 16 metre wide roads.

DS15/1084

Release of Lots 420A and 413

- jj) Subdivision Certificate for Lots 420A and 413 shall not be issued until such time as land to the north is 'managed land', or easement for asset protection zone has been secured.

Restriction as to User

- kk) A restriction as to user shall be created over proposed Lots 412-420B no dwelling to be constructed on the subject land unless compliant with AS3959-2009 *Construction of Buildings in bushfire prone areas*.

Subdivision Certificate

28. A **Subdivision Certificate** must be issued prior to lodgement of the Final Plan of Survey with the Land Titles Office. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an Accredited Certifier for a specified subdivision.

Contributions for Additional Services and/or Facilities

29. 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.

DS15/1084

Project	Description	Rate	Qty	Total
Stage 2				
01FIRE0009	City Wide – fire control/state emergency services	\$39.50	21	\$829.50
03AREC0001	Tennis, Football, Cricket, Basketball & Netball (Area 3)	\$2,355.49	21	\$49,465.29
03AREC0003	Amend. No.17: Bay & Basin Leisure Centre	\$598.33	21	\$12,564.93
03CFAC0001	S94 CP AMENDMENT No.67: Bay and Basin District Community Centre and Branch Library	\$873.36	21	\$18,340.56
03CFAC0003	S94 CP AMENDMENT No.67: Bay and Basin District Recreational & Cultural Hall (Vincentia HS)	\$21.00	21	\$441.00
03CFAC0005	S94 CP AMENDMENT No.67: St Georges Basin District H&CC Centre	\$110.83	21	\$2,327.43
03FIRE0002	Sanctuary Point – fire control	\$48.85	21	\$1,025.85
03OREC0003	Sanctuary Point	\$2,060.36	21	\$43,267.56
03ROAD0021	Amend. No.29 : ST. GEORGES BASIN – Construct Bypass.	\$752.51	21	\$15,802.71
03ROAD0053	Wool Lane Construction (Anson St – Wool Rd)	\$639.17	21	\$13,422.57
CWAREC 0003	Hockey Facilities	\$285.74	21	\$6,000.54
CW MGMT0001	Project Management Costs	\$242.48	21	\$5,092.08
				\$168,580.02
				\$0.00

\$168,580.02

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

A total contribution, for Stage 2 currently assessed at the sum of **\$168,580.02 (2014/2015 rate)** or as indexed in future years shall be paid to Council before the issue of a construction certificate.

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

DS06/1371

DS16/1385 creates additional stage in Condition 29A:

Contributions for Additional Services and/or Facilities – Stages 3A & 3B

29A 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.

DS15/1084

Project	Description	Rate	Qty	GST Incl
STAGE 3A				
01 FIRE 0009	City Wide - fire control/state emergency services	\$40.66	18	\$731.88
03 AREC 0001	Tennis, Football, Cricket, Basketball & Netball (Area 3)	\$2,424.52	18	\$43,641.36
03 AREC 0003	Amend. No.17:Bay & Basin Leisure Centre	\$615.86	18	\$11,085.48
03 CFAC 0001	S94 CP AMENDMENT No.67: Bay and Basin District Community Centre and Branch Library	\$898.96	18	\$16,181.28
03 CFAC 0003	S94 CP AMENDMENT No.67: Bay and Basin District Recreational & Cultural Hall (Vincentia HS)	\$21.62	18	\$389.16
03 CFAC 0005	DELETED in S94 CP AMENDMENT No.67: St Georges Basin District H&CC Centre	\$114.07	18	\$2,053.26
03 FIRE 0002	Sanctuary Point - fire control	\$50.29	18	\$905.22
03 OREC 0003	Sanctuary Point	\$2,120.75	18	\$38,173.50
03 ROAD 0021	Amend. No. 29: ST. GEORGES BASIN - Construct Bypass.	\$774.57	18	\$13,942.26
03 ROAD 0053	Wool Lane Construction (Anson St - Wool Rd)	\$657.90	18	\$11,842.20
CW AREC 0003	Hockey Facilities	\$294.11	18	\$5,293.98
CW MGMT 0001	Project Management Costs	\$249.58	18	\$4,492.44
Stage 3A Total				\$148,732.02

Project	Description	Rate	Qty	GST Incl
STAGE 3B				
01 FIRE 0009	City Wide - fire control/state emergency services	\$40.66	11	\$447.26
03 AREC 0001	Tennis, Football, Cricket, Basketball & Netball (Area 3)	\$2,424.52	11	\$26,669.72
03 AREC 0003	Amend. No.17:Bay & Basin Leisure Centre	\$615.86	11	\$6,774.46
03 CFAC 0001	S94 CP AMENDMENT No.67: Bay and Basin District Community Centre and Branch Library	\$898.96	11	\$9,888.56
03 CFAC 0003	S94 CP AMENDMENT No.67: Bay	\$21.62	11	\$237.82

	and Basin District Recreational & Cultural Hall (Vincentia HS)			
03 CFAC 0005	DELETED in S94 CP AMENDMENT No.67: St Georges Basin District H&CC Centre	\$114.07	11	\$1,254.77
03 FIRE 0002	Sanctuary Point - fire control	\$50.29	11	\$553.19
03 OREC 0003	Sanctuary Point	\$2,120.75	11	\$23,328.25
03 ROAD 0021	Amend. No. 29: ST. GEORGES BASIN - Construct Bypass.	\$774.57	11	\$8,520.27
03 ROAD 0053	Wool Lane Construction (Anson St - Wool Rd)	\$657.90	11	\$7,236.90
CW AREC 0003	Hockey Facilities	\$294.11	11	\$3,235.21
CW MGMT 0001	Project Management Costs	\$249.58	11	\$2,745.38
Stage 3B Total				\$90,891.79

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

A total contribution, for Stage 3A & 3B, currently assessed at the sum of **\$239,632.81 (i.e. 2016/2017 rate)** or as indexed in future years, shall be paid to Council **prior to the issue of a Subdivision/Construction Certificate.**

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

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

- ensure the proposed development:
 - achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - complies with the provisions of all relevant environmental planning instruments;
 - is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
- meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
- ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- minimise any potential adverse environmental, social or economic impacts of the proposed development.

6. ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. ensure the development does not conflict with the public interest.

RIGHTS OF REVIEW AND APPEAL

Development Consent under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

NOTES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

Fee Advice

Each financial year Council sets fees and charges for the release of the Final Plan of Survey/Subdivision Certificate, for the 2004/2005 financial year this fee is \$399.00. Engineering plan checking fees and Road Inspection fees may also apply.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

DS06/1371

DS16/1385 amends following advice:

Additional Advice to Applicant

Where Lots 122 & 507 (Public Reserves) are managed as non-vegetated or reduced vegetation areas in accordance with Section A2.3 of Planning for Bushfire Protection 2006 there are no specific requirements recommended regarding modifications to Stage 3.

SIGNED on behalf of Shoalhaven City Council:

Signature



Name **Cathy Bern**
Development Manager
Planning and Development Services

