



Phone enquiries:

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Reference:

Council: 10.2021.26.1
NSW ePlanning Portal: PAN-58466

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.18(1)(a)

Fountaindale Project Management
65 Kiarama Avenue
KIAMA DOWNS NSW 2533

Development Description:	TORRENS TITLE SUBDIVISION OF LAND AND SIGNAGE - TORRENS TITLE SUBDIVISION TO CREATE 51 RESIDENTIAL LOTS, ROADS AND RELATED INFRASTRUCTURE
Development Consent Number:	10.2021.26.1
Premises:	LOT: 2 DP: 626183 15 Golden Valley Road JAMBEROO
Determination:	Consent granted subject to conditions described below
Date of Determination:	To be determined
Date Consent Operates From:	To be determined
Date Consent Lapses On:	5 years from date consent operates

Other Approvals:

List *Local Government Act 1993* approvals granted under Section 78A (5)

NONE APPLICABLE

General terms of other approvals integrated as part of the consent:

(list approvals)

- Aboriginal Heritage (conditions provided as attached)
- Water Management Act
- Street Numbering

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Conditions of Development Consent:

(including Section 7.11 conditions)

General

- (1) The development shall be implemented in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2021.26.1 dated ##### - except as amended by the following conditions: (g005.doc)
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)
- (4) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - a Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
 - b Workers Compensation Insurance.
 - c Twenty Million Dollar Public Liability Insurance. (g155.doc)
- (6) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. (g160.doc)
- (7) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)

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- (8) All required works in the existing public road reserve shall be issued with a Road Occupancy Permit prior to issue of any Subdivision Works Certificate for the internal works.
- (9) All proposed access ways and existing vehicular entry driveway cross-overs which require re-design shall comply with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "Driveway and Footpath Works Procedure Manual".
- (10) Road Occupancy approval, pursuant to Section 138 of the *Roads Act 1993* shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form:
 - A completed application form;
 - Fees in accordance with Council's adopted fees and charges;
 - A traffic control plan prepared by an accredited person
 - Public liability insurance for an amount of no less than \$20M;
 - Plans and specifications to Council's requirements, which will include a detailed plan of survey prepared by a Registered Surveyor.
- (11) Bin pads of a sufficient size are to be constructed in the location as indicated on Plan No. 212562 DA01 for lots 2, 3, 5, 9 and 51. The bin pads are to accommodate a minimum of 3 x 240L bins allowing for a 300mm space between each bin (minimum 2m long x 1m wide).

Bonds and Contributions

- (1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 and 2 shall be paid to Council prior to the issuing of the Subdivision Works Certificate. The total contribution required for the development is **\$1,000,000.00**.
(bo005.doc)

Prior to Commencement of Works

- (1) Under the provisions of the Act, work may not commence on the development until the following is carried out:
 - a. Detailed plans and specifications of the building must be endorsed with a Subdivision Works Certificate by Council or an Accredited Certifier; and
 - b. You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c. You **must** notify the Council of the appointment; and
 - d. You **must** give at least two (2) days notice to Council of your intention to commence work.
- (2) The developer is to obtain a Subdivision Works Certificate and Road Occupancy Permit prior to the commencement of any works.
- (3) The developer shall lodge with Council a bond in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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The bond will be valued at **5%** of the proposed cost of construction of the entire development. The developer will be required through a quantity surveyor or registered engineer to provide accurate costings prior to Council advising the developer of the bond value.

The bond shall be refunded in full subject to the following:

- a. A minimum of 12 months from the registration of the plan of subdivision, and
 - b. There being no performance issues with the constructed works, including landscaping, and
 - c. There being no unrepaired damage to the public infrastructure, and
 - d. Compliance with the development consent and the Subdivision Works Certificate plans and specifications; and
 - e. The submission of all waste compliance certificates, inclusive of supporting documentation, verifying compliance with waste management plans lodged in support of the development
- (4) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) for approval of the Certifying Authority prior to any works commencing on site. The CEMP shall include, but not be limited to, the following items:
- timing and duration of works;
 - location of work sites offices, compounds, stockpiles and refuelling areas;
 - a description of the site and surrounds and location of environmentally sensitive areas;
 - description of the impacts associated with the construction; activities and control measures;
 - legislative requirements;
 - on-site staff structure and responsibility;
 - staff training, awareness and competency requirements;
 - emergency planning and response;
 - auditing and monitoring; and
 - the supplementary plans:
 - Soil and Water Management Plan;
 - Noise and Vibration Management Plan;
 - Air Quality (Dust Control) Management Plan;
 - Waste Management Plan; and
 - Traffic Management Plan

The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations are approved by the Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. A copy of the approved CEMP and any variations shall be submitted to Council prior to construction.

- (5) The applicant shall submit to Council a dilapidation survey prepared by a registered engineer prior to the commencement of any work within the public road reserve.

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- (6) A combined services plan shall be submitted with the Subdivision Works Certificate application. The plan as a minimum shall indicate all underground services, hydrants, street lighting, street trees, pathways, shared pathways, kerb ramps, carriageways and fencing.

Civil Engineering Design

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the Certifying Authority for approval prior to the issue of the Subdivision Works Certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a. The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b. Plan, longitudinal and cross sectional detail shall be provided for the proposed public and private roads
- c. The proposed pavement treatment to the public and private roads. The minimum surface treatment shall be in accordance with the Kiama Subdivision Code
- d. The location and reduced level of all services under the control of public utilities or agencies;

All reduced levels shall relate to Australian Height Datum (AHD).

- (2) The developer shall provide design swept paths for all internal and public road intersections on detailed civil engineering drawings submitted with the Subdivision Works Certificate application. The modelling shall meet with the design requirements of the Standards Australia AS2890 and the Austroads Design Vehicle and Turning Path Templates. The swept paths shall demonstrate that B99 Vehicles (AS2890) will not collide when approaching in opposite directions.
- (3) The developer shall provide structural details of all retaining walls with a vertical drop exceeding 599mm required to support the roads and allotments. The detail shall be submitted to the accredited Certifying Authority for assessment and approval prior to the release of the Subdivision Works Certificate. The retaining wall must be designed by a Registered Engineer. No retaining walls shall be constructed on proposed or existing public roads.
- (4) The developer shall submit details of all civil engineering works, on engineering drawings, to the accredited Certifying Authority for approval prior to the issue of the Subdivision Works Certificate.

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Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2020. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (3) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (4) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (5) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (6) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (7) All watercourses and overland flow paths shall be treated with appropriate scour protection measures. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (8) The applicant shall submit for Council approval, an Operation and Maintenance plan for all proposed treatment ponds, prior to issue of any Subdivision Works Certificate by the accredited Certifying Authority.

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- (9) Detention storage shall be designed to be wholly above the 1% AEP storm event inundation level. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (10) Scour protection shall be provided at the outlet of the on-site detention facility. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (11) All weather access roads and hardstand parking facilities shall be provided in close proximity of the water quality and detention devices so as to enable safe and efficient maintenance to be undertaken. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (12) The developer shall ensure that all filling below the 1% AEP flood level is offset by compensatory excavation contain within the subject land. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (13) The developer shall submit the flood profile of the improved watercourses for the 1%, 2%, 5%, 10% and 20% AEP flood events. Details shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Subdivision Works Certificate.
- (14) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer and shall be submitted to the accredited Certifying Authority for assessment prior to the issue of any Subdivision Works Certificate.

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (2) All new construction work shall make smooth junctions with existing work. (cec060.doc)
- (3) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2020, and civil engineering drawings approved by the Principal Certifying Authority.
- (4) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2020 and civil engineering drawings approved by the Principal Certifying Authority.

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Utility Servicing

- (1) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document “A Model Agreement for Local Councils and Utility/Service Providers” prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area. (us035.doc)
- (2) The developer shall bear the cost of relocation of any service utilities required.
- (3) The applicant shall provide **LED** street lighting for the development complying with the design requirements of AS/NZS 1158. The detailed street lighting design shall be submitted to Council for its approval prior to the issue of a Subdivision Works Certificate.
- (4) All existing services and all proposed services shall be located underground in appropriate width easements with terms acceptable to the relevant authority.

Geotechnical Requirements

- (1) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the accredited Certifying Authority for approval prior to the issue of the Subdivision Works Certificate. The report shall cover, but not be limited to:-
 - a. Extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip;
 - b. Soil dispersibility;
 - c. Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
 - d. Recommended geotechnical testing requirements;
 - e. Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - f. Compaction specification for all fill within private subdivisions;
 - g. The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
 - h. The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - i. Recommended treatment methods for rectification / remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
 - j. Requirements for sub-surface drainage lines;
 - k. Overall suitability of the engineering drawings for the proposed development.

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- (2) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate. The report shall cover, but not be limited to:
- a. All earthwork operations.
 - b. The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - c. A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
 - d. Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
 - e. Certification of all recommendations contained in the geotechnical report lodged in support of the Subdivision Works Certificate application have been satisfied.
 - f. The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (3) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site. (gr060.doc)
- (4) All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. (gr075.doc)
- (5) Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA. Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

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Erosion and Sedimentation Controls/Soil and Water Management

- (1) The developer shall submit to the Certifying Authority for approval, prior to the issue of the Subdivision Works Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* Volume 1 (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction* Volume 2 (Department of Environment and Climate Change 2007). All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.

All works on the site must be in accordance with the approved ESCP for the full duration of construction works and must provide an overall site detail. For staged development an ESCP shall be provided for each stage of the development.
(esc015.doc)

- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)
- (3) Any excavated material deposited on public roads resulting from the works shall be removed within the same day.
- (4) The emission of dust from the site must be controlled and in this regard watering equipment shall be kept on the site at all times for this purpose.
- (5) A shaker pad shall be installed at the exit point of the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- (6) Sediment traps shall be installed around all affected stormwater inlets and drainage lines. All sediment control measures shall be maintained on a daily basis until the site has been fully revegetated. The measures shall not cause any safety issues.
- (7) Where the batter slope exceeds a slope of 1 vertical to 5 horizontal, sediment ponds must be fenced with man-proof fencing.

Bushfire Hazard Management

- (1) Asset Protection Zones

At the issue of a subdivision certificate, and in perpetuity, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

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- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

(2) Access – Public Roads

- a) Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

- b) The perimeter road (west, south and east perimeter of the development) must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

- c) The non-perimeter road must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;

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- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and g. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

(3) Water and Utility Services

The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- a) reticulated water is to be provided to the development where available;
- b) fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- c) hydrants are and not located within any road carriageway;
- d) reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- e) fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- f) all above-ground water service pipes are metal, including and up to any taps;
- g) where practicable, electrical transmission lines are underground;
- h) where overhead, electrical transmission lines are proposed as follows:
 - i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - ii. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- i) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- j) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage - and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- k) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- l) connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not - used; and
- m) above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 3 of Kiama Development Control Plan 2020 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)

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- (3) At the end of the 52-week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) No street tree shall be located on the apex of road corners. Adequate sight lines applicable to the speed limit must apply.

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)

Conveyancing Requirements

- (1) Under the provisions of the Conveyancing Act 1919, an instrument under Section 88B shall be prepared and shall contain the following:
 - a. Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.
 - b. The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge. (cr020.doc)
- (2) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:
 - a. Easement for services;
 - b. Easement for drainage;
 - c. Drainage easement over overflow paths;
 - d. Easements, restrictions and covenants over detention storage;
 - e. Rights of way;
 - f. Restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, including fences and the placement of fill;
 - g. Building Envelopes in accordance with Council's Development Control Plan requirements for the site;
 - h. Restriction on the use of land defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer shall provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location;
 - i. Restriction on the use of land over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;
 - j. Restrictions on the use of land over any lots adjacent to a public reserve stipulating dividing fence type. (cr035.doc)

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- (3) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long-term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

Prior to Issuing of Subdivision Certificate

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
- a. All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b. Payment of fees in accordance with Council's adopted fees and charges.
 - c. A Final Plan of Subdivision in PDF form and in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to council@kiama.nsw.gov.au including a clear reference to the relevant Development Application number.
 - d. Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e. Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f. Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g. Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h. Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i. The payment of all required Bonds and Contributions identified in this consent.
- (3) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a. Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b. In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.

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The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will not have an adverse impact on adjacent properties.

- (4) The developer shall submit to the Principal Certifying Authority prior to the release of the Subdivision certificate an electronic copy of the Works-as-Executed drawing as follows:
 - a. A full set of engineering drawings in either DWG or DXF format;
 - b. An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
 - c. An Infrastructure Asset Register template (as provided by Council) that lists all constructed assets within the development that are to be transferred to and maintained by Council in future.
- (5) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (6) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (7) The developer shall show the 1% AEP storm event inundation line on the Works-As-Executed plan for all watercourses and overflow paths to demonstrate that the building envelope for each lot and access to that envelope is flood free. (sub075.doc)
- (8) The developer shall chart the natural watercourse on the final plan of subdivision. (sub080.doc)
- (9) Where adjoining rural land, the proposed road dedicated to Council shall be fenced with timber post and three-strand wire prior to issue of any Subdivision Certificate. Barbed wire shall not be used in the fencing.
- (10) Prior to issue of the Subdivision Certificate Benkelman Beam testing shall be undertaken on all roads which have been constructed and upgraded. The acceptance criteria is based on the tolerable deflections as specified by Australian Road Research Board and Austroads. The test results shall be accompanied by a report from a suitably qualified engineer which confirms that tolerable deflections have been met.
- (11) Prior to the issue of a Subdivision Works Certificate and Road Occupancy Permit the applicant shall provide to the Kiama Local Traffic Committee (KLTC) for approval, a signage and line-marking plan showing all proposed line marking and signage required for the proposal. Approval by the KLTC will take a minimum of two months.
- (12) Prior to the issue of a Subdivision Certificate all roads shall be named in accordance with Council's requirements and adopted fees and charges. Street signs to Council's requirements shall be installed prior to issue of a Subdivision Certificate.
- (13) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of a Subdivision Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

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Reasons

- (1) Ensure adequate room is available to maintain pedestrian access. (r015.doc)
- (2) Ensure that an appropriate landscape design is prepared to compliment the design of the proposed development and the character of the area. (r025.doc)
- (3) Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended). (r030.doc)
- (4) Minimise any likely adverse environmental impact of the proposed developments. (r040.doc)
- (5) Minimise any likely adverse impact on the landscape and visual quality of the area as a result of the development. (r045.doc)
- (6) Ensure that the landscape works are completed established and maintained in accordance with the approved plans and conditions. (r060.doc)
- (7) Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies. (r095.doc)
- (8) Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development. (r100.doc)
- (9) Ensure the stormwater run-off from the site is disposed of in an orderly and satisfactory manner. (r105.doc)
- (10) Minimise any likely adverse environmental impact of the proposed development. (r110.doc)
- (11) Ensure that public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities. (r120.doc)
- (12) Protect the community from damage or injury from any building material stored on the footpath or road reserve. (r125.doc)
- (13) Minimise any likely adverse impact on the streetscape and visual quality of the area as a result of the development. (r140.doc)

Notes

- (1) To ascertain the date upon which this consent becomes effective refer to Sections 4.20 and 8.13 of the Environmental Planning and Assessment Act 1979 (as amended). (nb010.doc)
- (2) In accordance with Section 4.53(2) of the Environmental Planning and Assessment Act 1979 (as amended) this consent will lapse on XX/XX/XXXX unless otherwise provided for elsewhere in Sections 4.53, 4.54 or 8.22 of the Act. (nb015.doc)
- (3) Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended) confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice. (nb020.doc)

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- (4) The applicant shall note that the development consent in no way authorises commencement of construction work. The latter can only be obtained through submission and approval of a satisfactory Construction Certificate Application. (nb025.doc)
- (5) The amount of the contribution(s) payable pursuant to Condition No(s). # will be indexed on 1 July each year in accordance with the Implicit Price Deflator (IPD) for Final Expenditure (Local Government) published by the Australian Bureau of Statistics. The developer should contact Council prior to payment of any Section 7.11 Contribution to ascertain the exact amount payable. (nb040.doc)
- (6) In this consent the developer includes the applicant for development consent and any person(s) who carries out the development pursuant to that consent. (nb050.doc)
- (7) Section 73 Compliance Certificate

An application must be made through an authorised Water Servicing Coordinator (for details visit the Sydney Water web site www.sydneywater.com.au/customer/urban/index or phone 132092). Following application, a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please contact the Water Servicing Coordinator early, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. (nb070.doc)