



SHOALHAVEN CITY COUNCIL

CITY ADMINISTRATIVE CENTRE

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OUR REF: SF 7556 cw.mlb

ENQUIRIES: Mr C West

YOUR REF: U. 8571



29 October 1993

Rygate & West
P O Box 107
ULLADULLA NSW 2539

Dear Sir

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT (SUBDIVISION) APPLICATION

To: Rygate & West of Ulladulla being the applicant in respect of Subdivision Application No. 7556 for Porter relating to the land described as follows:

PORTION 13, PARISH OF LITTLE FOREST

Pursuant to Section 92 of the Act, notice is hereby given that the development application has been determined by granting of consent, subject to conditions.

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

GENERAL

1. This consent relates to the proposal illustrated on sketch plan ref no. U. 8571 dated 10 June 1993 lodged with your letter dated 22 October 1993 except as may be modified herein.

Any alteration to the above mentioned plan(s) shall be submitted for the approval of the Subdivision and Development Manager prior to the submission of the plan of survey. No works shall be carried out without first submitting engineering plans and obtaining Council's written consent.

UTILITY SERVICES

2. To ensure provision of utility services commensurate to the development.
 - (a) The provision of electricity to service allotments in the proposed subdivision shall be in accordance with the requirements of Illawarra Electricity. The plan of subdivision will not be released by Council until written confirmation has been received from Illawarra Electricity that all stipulated conditions have been satisfied.

The conditions which Illawarra Electricity 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 Telecom.

RURAL ROAD CONSTRUCTION

3. To ensure satisfactory access to the proposed allotments, the following engineering conditions apply.
- (a) Construction of 5 metre gravel pavement together with 0.5 metre shoulders and necessary culverts and table drains within the road reserve. This work is to commence at the end of Council's maintained section of road to the proposed right of carriageway in lot 1. Pavement grades in excess of 12% are to be bitumen sealed.
 - (b) Construction of 4 metre gravel pavement together with 0.5 metre shoulders and necessary culverts and table drains within the right of carriageway to the requirements of the Engineering Works Manager.
 - (c) Culverts under roads and table drains to be designed for a 1 in 5 year flood frequency.
 - (d) All construction work is to be carried out in such a manner that at all times adjoining property owners are not deprived of all-weather access or subjected to additional storm water run-off during the period of construction.
 - (e) The submission of necessary engineering plans and specifications for the work referred to in this consent for examination and approval by the Subdivision and Development Manager. It will be the applicant's responsibility to check and ensure that the proposed works are not affected by Council's, Illawarra Electricity and/or Telecom services. Any required alterations to services will be at the applicant's expense. Specifications for road and drainage works shall be as specified under Section 9 of Council's Subdivision Code and this will be the standard for construction works required. Works-as-executed plans shall be submitted for engineering works to be constructed within this approval prior to the release of the plan of survey.

- (f) The construction of a 4 wheel drive access track around each building envelope. This access is to be suitable for fire trucks of a 10 tonne size.

RESTRICTIONS

- 5. To mitigate the visual impact of development resulting from the proposal and provide legal access to the created allotments, the following shall be created as restrictions-as-to-user under Section 88B of the conveyancing Act.
 - (a) No building shall be erected unless of darker external colour/materials, to blend with the landscape. Any metal cladding roofing or water tank shall be pre-coloured at manufacturing stage.
 - (b) Any application for a building shall be accompanied by a landscape plan detailing location and number of plantings to screen the building from surrounding development.
 - (c) No removal of endemic vegetation from any lot (unless approved for bushfire mitigation or road and drainage works) without prior written consent of Council.
 - (d) No boundary fences to be constructed except within or adjacent to cleared areas and shall not intrude into forested/vegetated areas.
 - (e) No buildings to be erected on lots 1 and 2 within 260 metres of the southern boundary.
 - (f) No dwelling to be erected on any lot unless a stored water supply within a dam is provided for bushfire fighting. In addition, the mandatory 10,000 litres of stored water associated with each dwelling will be imposed at the development application stage.
 - (g) No dwelling to be erected on any lot unless a 30 metre clearing is established around each dwelling and a further 20 metres on the southern side.
 - (h) No building to be erected on any lots unless plans are accompanied by a geotechnical report to indicate suitability for all footings, foundations and high wind construction.
 - (i) No building to be erected on any lot within 30 metres of any natural watercourse.
 - (j) Creation of the right-of-carriageway 20 metres wide as indicated on the submitted plan.

CONDITIONS OF A GENERAL NATURE

6. Creation of the proposed lots as per the submitted plan.
7. The provision of road widening where necessary so as to contain the road in use within the road reserve.
8. No sound healthy trees exceeding 3 metres in height are to be removed from any proposed lot or public reserve except where they are affected by earthworks required for road, drainage or utility service construction or filling covered by approved engineering plans, unless such trees have been inspected by a Council Officer and written approval has been given for their removal.

CONTRIBUTIONS/FEES

9. Council requires the submission of a satisfactory plan of survey incorporating the above requirements together with the plan of survey release fee current at the time. The fee for 1993 is \$220 plus \$30 per lot.
10. Payment to Council of contributions imposed under Section 94 of the Environmental Planning & Assessment Act for each newly created lot. The contributions for January 1993 are listed below however contributions applicable at the time of release of the plan of survey will be calculated at the January 1993 figure adjusted to reflect movements in the Constant Price Estimates issued by the Australian Bureau of Statistics.

The contributions for 1993 are:-

(a)	Community Facilities	\$480.00 per new lot
(b)	Active Recreational Facilities	\$1212.00 per new lot
(c)	Roads and Traffic Control	\$10469.00 per new lot
(d)	Project Management	\$130.00 per new lot

Endorsement of date of CONSENT

29 October 1993

NOTES


If the development is not commenced within a period of five years from the granting of this approval then it lapses and is considered void.

If a new Environmental Planning Instrument prohibiting this development is gazetted within one year of the granting of this consent then the consent is valid only for one year after the new Instrument comes into force.

Any application for works which is required for construction must be submitted before the expiry of this consent. Sufficient time should be given for such application to be considered and subsequent development to be substantially commenced.

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land Environment Court exercisable within twelve (12) months after receipt of this notice.

Yours faithfully


G A Napper
General Manager

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