

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MAJOR PROJECT NO. 05\_0038**

**(FILE NO. 9040425)**

**133 LOT RESIDENTIAL SUBDIVISION OF LOTS 53 AND 54 DP  
836998 AND LOT**

**156 DP 753202, THE BUCKETTS WAY, TINONEE, WITH  
ASSOCIATED ROADS, INFRASTRUCTURE, RIPARIAN ZONE  
AND PUBLIC FORESHORE ACCESS**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the Environmental Planning & Assessment Act, 1979, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by giving of approval to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in its Environmental Assessment identified in Appendix F and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2



The Hon Kristina Keneally MP  
Minister for Planning

Sydney,

5 April

2009

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

**CONSOLIDATED CONSENT**

**SCHEDULE 1**

<b>Application Number:</b>	MP 05_0038
<b>Applicant:</b>	<b>The Trustee for Ray Stack Family Superannuation Fund</b>
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 53 DP 836998, Lot 542 DP1113791 & Lot 156 DP 753202, The Buckett's Wav, Tinonee
<b>Development:</b>	133 lot residential subdivision with associated roads, infrastructure, riparian zone and public foreshore access

**CONSOLIDATED CONSENT**

**SUMMARY OF MODIFICATIONS**

Application Number	Determination Date	Decider	Modification Description
MP 05_0038-Mod-1	03 August 2023	Director, Regional Assessments	Amendment to the subdivision layout, resulting in a reduction in the number of lots to 122. Reduction in the number of stages from 5 to 3.

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Applicant</b>	<b>The Trustee for Ray Stack Family Superannuation Fund</b> , or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent (Condition A19)
<b>Council</b>	<b>MidCoast Council</b>
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the Environmental Assessment Report and Preferred Project Report, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
<b>Environmental Assessment Report</b>	Environmental Assessment - Volume 1, Volume 2 and Volume 3, prepared by Orogen Pty Ltd on behalf of Buildev Tinonee Ply Ltd, dated 2 July 2007;, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would

## CONSOLIDATED CONSENT

	be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Preferred Project Report</b>	Preferred Project Report, prepared by Orogen Ply Ltd on behalf of Buldev Tinonee Ply Ltd, dated 5 June 2008

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**A1. Development Description**

Development approval is granted only to carrying out the development described in detail below:

- (1) A **122** lot rural residential subdivision;
- (2) Construction of a road network with access off The Bucketts Way and Urray Road;
- (3) Infrastructure including reticulated water and sewer services, electricity and communications;
- (4) A riparian corridor incorporating an integrated stormwater system with detention basins and water quality control measures;
- (5) A public foreshore reserve and access **that is part of Lot 542 DP 1113791 and Lot 156 DP 753202**;
- (6) Clearing for building envelopes and bushfire protection;
- (7) Ecological management, including the preparation of Habitat and Vegetation Management Plans; and
- (8) Landscaping.

**A2. Staging**

The subdivision is to be carried out in **three** stages. **Stage 1 must be the first stage. Nothing prevents stage 3 being released ahead of stage 2. The staging is** as follows:

**Stage 1**

- (1) **48 88** rural - residential lots (sizes **2481m<sup>2</sup>- 2.26Ha, Lots 101-188**);
- (2) Construction of that portion of the road network **with**in the stage;
- (3) Rehabilitation of the Subtropical Coastal Floodplain Forest (Endangered Ecological Community) along the Killawerra Creek drainage reserve;
- (4) ÷
- (5) Transfer of ownership of Foreshore Reserve **being part of Lot 542 DP 113791 (Lot 190), Environmental zone land** and Killawerra Creek drainage Reserve **(Lot 189)** to Council;
- (6) Servicing of proposed lots within the stage and landscaping works, including provision of street trees;
- (7) Street lighting at the intersections with the Bucketts Way

**Stage 2**

- (1) **21** rural - residential lots (sizes **4036m<sup>2</sup>-16.14Ha, Lots 902-922**);
- (2) Construction of that portion of the road network with the stage; and,
- (3) Servicing of proposed lots within the stage and landscaping works, including provision of street trees.
- (4) **Transfer of ownership of Foreshore Reserve that is part of Lot 156 DP 753202 to Council (Lot 192).**
- (5) **Street Lighting at the intersections with Bucketts Way**

**Stage 3**

- (1) 13 rural - residential lots (sizes 2398m<sup>2</sup>-17.9Ha);
- (2) Construction of that portion of the road network with the stage; and,
- (3) Servicing of proposed lots within the stage and landscaping works, including provision of street trees.
- (4) Transfer of ownership of Drainage Reserve that is part of Lot 53 DP 836998 to Council (Lot 191).

### A3 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated 2 July 2007 prepared by Orogen Pty Ltd including all Appendices and the following drawings:

Subdivision Drawings prepared by McGlashan & Crisp Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
F57A/3513/2017		Proposed Subdivision Layout Overall Stage Plan	27.04.2023
F57A/3513/2017		Proposed Subdivision Layout and Contour Plan	27.04.2023
F57A/3513/2017		Proposed Subdivision Stage 1 Carters Creek Estate	27.04.2023
F57A/3513/2017		Proposed Subdivision Stage 2 Illidge Estate	27.04.2023
F57A/3513/2017		Proposed Subdivision Stage 3 Donnelly Estate	27.04.2023
F57A/3513/2017		Vegetation Clearing Plan	27.04.2023
F57A/3513/2017		Vegetation Retention Plan	27.04.2023
F57A/3513/2017		Asset Protection Zone Plan	27.04.2023
		Plan of Proposed Osprey Nest/Platform Location	13/10/2008
Landscape Drawings prepared by Place Design Group and dated February 2007			
Drawing No.	Revision	Name of Plan	Date
Figure 13		Landscape Character A	
Figure 14		Landscape Character B	
Figure 15		Sketch Plan of Entry	
Figure 16		Sketch Perspective of Entry	

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may

- be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

#### **A4 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

- (1) Environmental Assessment - Volume 1, Volume 2 and Volume 3, prepared by Orogen Pty Ltd on behalf of Buildev Tinonee Ply Ltd, dated 2 July 2007; and,
- (2) A Preferred Project Report, prepared by Orogen Pty Ltd on behalf of Buildev Tinonee Ply Ltd, dated 5 June 2008 and
- (3) [Section 4.55\(2\) Modification \(MP05\\_0038-Mod-1\) Proposed Modification Report dated 15 October 2020 and Response to Submission Report dated 13 April 2022 prepared by PDA Planning as amended by the Response to Submissions dated 7 December 2022, the Supplementary Response to Submissions dated 10 February 2023 and additional information dated 27 March 2023.](#)

#### **A5 Inconsistency between documents**

In the event of any inconsistency between:

- (1) The conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail; and,
- (2) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail.

#### **A6 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

#### **A7 Copy of Approval to MidCoast Council**

The applicant is to submit one copy of the Approval and approved plan of the proposed development to Mid Coast Council. On receipt, Mid Coast Council will assess and notify the water supply and sewerage headworks augmentation and water supply and sewerage extension/connection charges and requirements applicable. A letter from Mid-Coast Council stating that its requirements have been met is to be submitted to Council and the Certifying Authority prior to the issue of a Subdivision Certificate.



## **PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Design Details and Changes**

#### **B1 Design Modifications**

The subdivision layout shall be amended as follows:

- (1) The lot boundaries within Stage 2 are to be adjusted, so that:
  - i. The known populations of the *Diuris flavescens* orchid are contained within two lots;
  - ii. The Asset Protection Zones are not placed over known orchid sites; and,
- (2) **The common boundary of Lot 902 and 922 is to be relocated 10m to the north east away from the recorded location of *Diuris Flavescens* on the *Diuris Flavescens* Comparison Plan prepared by McGlashan & Crisp Pty Ltd dated 23 March 2023.**

An amended subdivision layout, prepared in accordance with the above, must be submitted to the Department for approval, prior to the issue of the first Construction Certificate **for stage 2**.

This condition is imposed to reduce the ecological impacts of the development.

#### **B2 Building Envelopes Plan**

A building envelope plan is to be prepared for each lot. The building envelopes must be located so that they have minimal ecological impact, are in accordance with the Environmental Assessment and the recommendations of the Tree and Vegetation Removal Plan (refer to condition B3) and allow future development to comply with requirements of Council. The plan must be submitted to Council for approval, prior to the issue of the first Construction Certificate **for each relevant stage**.

This condition is imposed to ensure that the future developments are sensitively located upon the site.

#### **B3 Tree and Vegetation Removal Plan**

A Tree and Vegetation Removal Plan is to be prepared. The plan must identify each tree to be removed: for the creation of the roads; fire trails; drainage works; building envelopes; Asset Protection Zones; or because it is dangerous, for each lot. All other trees are to be retained.

The Plan is to be produced by a suitably qualified arborist/ecologist and shall ensure where appropriate:

- (1) The retention of trees suspected to be of high importance to Koalas;
- (2) The retention of Koala Primary Feed trees;
- (3) Interconnecting tree canopies within the Outer Protection Area;
- (4) Retention of native understorey within the Outer Protection Area OPA; and
- (5) Retention of hollow-bearing trees within the Outer Protection Area OPA.

The Plan is to include:

- (1) Identification of each tree by a number, by species and whether it is to be retained or removed and reason for removal;
- (2) The proposed tree removal method, including inspection of hollows by a suitably qualified person prior to felling;
- (3) Safeguards for the protection of fauna both prior to, during and following the works, including the presence of a suitably qualified person during the entire felling operation, to ensure the proper management of any Koalas or nocturnal animals or otherwise;

- (4) The means of protecting trees and vegetation nominated for retention (including the *Diuris flavescens* orchid populations), during construction of all works;
- (5) Retention of all trees within roads and public reserves, except where required to be removed to provide services and construction of roads; and
- (6) A report prepared by a suitably qualified person indicating that the proposed tree retention will comply with the Rural Fire Service's Planning for Bushfire Protection 2006.

The plan must be submitted to the NSW Rural Fire Service for endorsement and to the Council for approval, prior to the issue of the first Construction Certificate.

This condition is imposed to ensure that significant vegetation is retained for habitat and amenity purposes.

#### **B4 Habitat and Vegetation Management Plan**

Habitat and Vegetation Management Plans (HVMPs) are to be prepared **for each stage prior to the release of the construction certificate for that stage.**

The HVMPs are to be written by an appropriately qualified and experienced ecologist and **must** include the following sub-plans by way of schedules:

- (1) A separate plan for each lot showing all environmental features to be retained (e.g. trees and understorey not required to be removed for APZs, *Diuris flavescens* locations), inner and outer asset protection zones, building envelopes, access trails and roads. The areas on each lot outside the Inner Protection Area (IPA) of the Asset Protection Zone (APZ)/Building envelope must be marked 'Habitat Protection Area' on the plan.
- (2) An Aboriginal Heritage Management Plan, **prepared by a suitability qualified person**, that details specific management and monitoring measures required to protect items or areas of Aboriginal Heritage importance. The management and monitoring measures should be based on recommendations provided within **the Aboriginal Cultural Heritage Assessment prepared by McCardle Cultural Heritage Pty Ltd dated 20 June 2021. The plan must be prepared in consultation with identified Registered Aboriginal Parties**

**Prior to the plan being prepared, a program of archaeological test excavations are to be undertaken in the areas of the PAD (Tinonee PAD 1 and PAD 2) to ascertain the significance of the potential deposits within the proposed development. Based on the findings from the additional assessment, proposed mitigation and management measures, including the conservation and protection of objects should be discussed with the Registered Aboriginal Parties (RAPs) and, as relevant, documented in an Aboriginal cultural heritage management plan**

- (3) A Threatened Species Management Plan (TSMP), incorporating a Koala Plan of Management that details how Koalas, Sugar Gliders, Brush-tailed Phascogales, Glossy-Black Cockatoos, Microchiroptera Bats, Powerful Owls and Red-backed Button Quails and their habitat are to be maintained, conserved and managed on site in the long-term. The proposed mitigation measures outlined in Table 8.1 and Section 6 of Appendix D (Flora and Fauna Assessment) of the Environmental Assessment and relevant conditions of this approval are to provide a basis for the TSMP, which is to include at a minimum:
  - (i) Detail on how threatened species and their habitat are proposed to be protected during construction;
  - (ii) Detail on long-term monitoring of threatened species known to use the site;

- (iii) Educational information for residents (future and current) on the ecological values within their lots, and how their actions can impact those values; and
  - (iv) Clearly indicate long-term financial commitment to proposed conservation measures including mechanisms to achieve this.
- (4) A site-specific Vegetation Rehabilitation Plan (VRP) that details how to manage the vegetation that is to remain on the site. The VRP shall include:
- (i) Details for the control of feral animals;
  - (ii) A requirement to retain all trees with hollows and all standing and fallen timber;
  - (iii) A requirement to re-use felled trees as habitat structures;
  - (iv) Details on how weeds will be controlled in retained native vegetation;
  - (v) A detailed weed map as a baseline from which site rehabilitation can be measured;
  - (vi) A prohibition on cats and dogs;
  - (vii) Details on the supplementary planting of local indigenous native vegetation species;
  - (viii) A prohibition on any vehicular access to vegetated areas;
  - (ix) Stormwater controls; and
  - (x) Monitoring details;

The proponent is to undertake vegetation maintenance work as part of the VRP for five years from the date that works commence on the subject allotment. A monitoring report is to be submitted to Council annually detailing the works undertaken as part of the VRP.

All vegetation rehabilitation work funded by the proponent are to be supervised by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management

Natural Area Restoration and 4 years bush regeneration experience.

- (5) A site-specific Fire Management Plan written by an appropriately qualified and experienced ecologist with experience in fire management. This Plan shall:
- (i) Refer to Planning for Bushfire Protection **2019**;
  - (ii) Provide a Plan showing the delineation of APZ (Inner Protection Area and Outer Protection Areas) boundaries for each lot.
  - (iii) Describe in detail how each Lot owner can meet the requirements of **Appendix 4** of Planning for Bushfire Protection **2019** on each particular lot i.e. What height to keep the vegetation slashed to, how to dispose of the slashed material, approximately how often this will need to be done etc.
  - (iv) Detail the recommended fire regime that is to be applied to each lot. These recommendations are to be consistent with the relevant RFS District Bushfire Management Plan and the ecological requirements of vegetation communities and threatened species within the site.
  - (v) Detail management requirements for the proposed fire trails within proposed residential lots.

- (6) A site-specific Orchid Habitat Management Plan (OHMP) for the *Diuris flavescens* orchid populations shall be prepared by a DECC approved orchid ecologist.

The OHMP is to be included within an HVMP for each lot in which *Diuris flavescens* is known to occur **Diuris Flavescens Comparison Plan prepared by McGlashan & Crisp Pty Ltd dated 23 March 2023** and should provide species specific information on how to manage the orchid's habitat in order to ensure its long-term survival on site. Current advice is that this may require slashing of groundcover twice per year (once in August but no later than 1st September and once in the period between January and March).

Where possible, a 15 metre Orchid Protection buffer is to be imposed on each known orchid population to prevent disturbance to the soil surface or other disturbances to the orchids habitat occurring.

The OHMP shall be submitted to the Department of Environment and Climate Change (DECC) for its approval.

A monitoring report is to be submitted to DECC and Council annually detailing the works undertaken as part of the OHMP.

The HVMP plan must be submitted to the Department for approval prior to the issue of any the Construction Certificate for stage 2.

This condition is imposed to ensure that significant vegetation is retained, for habitat and amenity.

#### **B5 Osprey Nest**

Deleted.

#### **B6 GPS Locations of Threatened species**

A report detailing the GPS locations of all threatened species is to be provided to the National Parks and Wildlife Service - Wildlife Atlas. The report is to be provided prior to the issue of any Construction Certificate.

This condition is imposed to ensure that ecological data is collected and retained for future reference.

#### **B7 Weed Control Plan**

Prior to the release of the first Construction Certificate for subdivision works, a Weed Control Plan for the entire site is to be produced by an appropriately qualified person detailing weed management to be undertaken across the site. The plan must not be inconsistent with the aims of the Habitat and Vegetation Management Plan Orchid Habitat Management Plan, Threatened Species Management Plan or the Vegetation Rehabilitation Plan required by Condition B4. The plan must be submitted to the Council for approval, prior to the issue of the first Construction Certificate.

This condition is imposed to promote better growing conditions for native vegetation.

#### **B8 Sulphate Soil Management Plan**

Testing is to be undertaken to determine acid sulphate soil potential on the subject site as recommended by RCA Australia in Appendix C of the Environmental Assessment. The results and recommendations are to be documented in an Acid Sulphate Soil Management Plan prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998), which must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate for each stage involving below ground works.

#### **Bushfire Safety requirements**

#### **B9 Landscaping**

Landscaping is to comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2019. Details are to be provided to the Certifying Authority prior to the issue of any Construction Certificate which includes landscape works.

The purpose of this condition is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

#### **B10 Services**

Water, electricity and gas are to comply with [Table 5.3c](#) of Planning for Bush Fire Protection [2019](#). Details are to be provided to the Certifying Authority with any Construction Certificate which includes these services.

The purpose of this condition is to provide adequate services of water for the protection of buildings during and after the passage of bushfire, and to located gas and electricity so as not to contribute to the risk of fire to a building.

#### **B11 Road Design**

The proposed roads shall comply with [Table 5.3b](#) of Planning for Bush Fire Protection [2019](#). Details are to be provided to the Certifying Authority with any Construction Certificate which includes a road.

The purpose of this condition is to ensure that safe operational access is available to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

#### **B12 Road Design**

The proposed property access roads shall comply with [Table 5.3b](#) of Planning for Bush Fire Protection [2019](#). Details are to be provided to the Certifying Authority with any Construction Certificate which includes a property access road.

The purpose of this condition is to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation.

#### **B13 Fire Trails**

The proposed fire trails indicated on the [Proposed Subdivision Layout Overall Stage Plan McGlashan & Crisp Pty Ltd Dated 27 April 2023](#) approved under Condition A3 shall comply with [Table 5.3b](#) of Planning for Bush Fire Protection [2019](#). Details are to be provided to the Certifying Authority with [the](#) Construction Certificate [for Stage 1](#).

#### **B14 Fire Trails - consolidated lots**

[Deleted](#)

#### **Traffic and Roads**

#### **B15 Geotechnical Report**

A Geotechnical Report for pavement design of the proposed roadworks [in each stage](#) prepared by a duly qualified and experienced geotechnical Engineer shall be submitted to the Certifying Authority, prior to the issue of any Construction Certificate [for the relevant stage](#) which includes roadworks

#### **B16 Bus Route Plan**

A Bus Route Plan for the entire subdivision is to be submitted to Council for approval prior to the issue of the first Construction Certificate. The applicant shall liaise with the relevant bus companies to determine routes which are acceptable.

#### **B17 Footpaving/Cycleway Strategy**

A Footpaving/Cycleway Strategy for the entire subdivision is to be submitted to Council for approval prior to the issue of the first Construction Certificate. The strategy shall include provision for the securing of bicycles at bus stops.

#### **B18 Pedestrian Pathway**

A pedestrian pathway reserve with a minimum width of 4.0 metres and including construction of a 1.2 metre wide pathway of concrete foot paving or other approved material must be provided. Details are to be provided to the Accredited Certifier prior to the issue of any Construction Certificate which includes roadworks.

#### **Stormwater and drainage**

#### **B19 Constructed Wetlands in Detention basins**

**Deleted**

#### **B20 Stormwater Drainage Report**

A detailed Stormwater Drainage Report for the entire development is to be prepared by an Engineer whose qualifications are acceptable for membership of the Institution of Engineers Australia, and submitted to Council in accordance with Section 68 of the Local Government Act, prior to the issue of a Subdivision **Construction** Certificate. The report is to show that the stormwater discharge from the proposed lots is no greater than the stormwater discharge from the land prior to the subdivision. The report is to determine the extent of the 1% ARI event affecting the subject land, and cater for the stormwater discharging onto the site as per the stormwater strategy, **Stormwater Management Plan Project 1075 prepared by Midcoast Consulting Engineers dated August 2019**

**A report for Stages 1 and 3 is to be submitted to Council and approved prior to the release of the Construction Certificate for Stage 1.**

**A Report for Stage 2 is to be submitted to Council and approved prior to the release of the Construction Certificate for Stage 2.**

#### **B21 Water Sensitive Urban Design**

Water Sensitive Urban Design (WSUD) principles are to be incorporated into the drainage design. The devices selected are to be submitted to Council for approval with the engineering drawings and are to be capable of retaining pollutants in accordance with the requirements of Council's Stormwater Management Plan and Australian Runoff Quality (ARQ).

#### **B22 Water Quality Management Monitoring Strategy**

An appropriately qualified person shall prepare a Water Quality Management Strategy detailing monitoring methods for surface and groundwater quality. Water quality is to meet ANZECC guidelines. Water quality monitoring is to be carried out throughout the length of the project and until two (2) years after 80% of lots have been developed **as per Condition G2 - for two (2) years after the issue of a subdivision certificate for each relevant stage**. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage.

#### **B23 Groundwater Interception**

Stormwater, and other drainage structures such as detention basins, and other water quality control measures, shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table. Details are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate which includes stormwater and drainage structures.



## **B24 Stormwater Discharge-Adjoining Properties**

Any works on adjoining properties including discharge of stormwater and disruption of access will require written consent from the affected parties, with a copy submitted to Council, prior to the approval of the engineering plans.

## **B25 Stormwater**

Provision of stormwater drainage pipes for the conveyance, within public roads, public reserves, or adjoining land, of stormwater from the development to a discharge outlet requires the approval of Council, prior to the issue of any Construction Certificate for these works.

## **B26 Inter-allotment drainage**

All lots within and adjoining the development which cannot drain to a street are to be provided with adequate inter-lot stormwater drainage disposal and any associated drainage easements. Details are to be submitted with any Construction Certificate which includes lots which will rely upon inter-allotment drainage.

## **B27 Drainage to be provided within easements**

Provision of stormwater drainage pipes/channels through the subject land within drainage easements. Details are to be submitted with any Construction Certificate which includes stormwater drainage pipes/channels

## **B28 Flooding and Sea Level Rise**

Prior to the release of a construction certificate for lots affected by flooding in a 1 in 100 year Manning River flood event, and/or close to the proposed detention basin, detailed flood modelling shall be undertaken by a qualified flood engineer to ascertain the extent of any variation to the 1 in 100 year flood level or flood behaviour as a result of sea level rise, in accordance with the Practical Consideration of Climate Change - Floodplain Risk Management Guideline (DECC October 2008), or any update thereto. The final fill and finished floor levels are to be adjusted accordingly.

If the development would cause significant increase in flood levels, the proponent must provide adequate and acceptable compensating works to offset the increase.

## **Landscaping**

### **B29 Landscaping Works • Land dedicated to Council**

**Deleted**

## **B30 Plan of Management- Foreshore Reserve**

**Prior to the issue of the Subdivision Construction Certificate for Stage 2, a Stage 2 Foreshore Lands Vegetation Management Plan prepared by a suitably qualified ecologist and bushland regenerator. The plan will describe the activities associated with access controls, fencing, weed control and bushland restoration activities. The plan shall be submitted to the Council for approval prior to the release of the Subdivision Certificate and a copy of the approved document provided to the Department for information.**

## **Construction Management**

### **B31 Construction Management Plan**

Prior to the issue of a Construction Certificate for each stage, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic management (see also B32 below);
- (4) noise and vibration management (see also B33 below);
- (5) waste management (see also B34 below);
- (6) erosion and sediment control (see also B35);
- (7) flora and fauna management (see also B3, B4 and B5);
- (8) Weed control (see also B7); and
- (9) Induction procedures for all site workers on measures to protect Koalas and Aboriginal heritage.

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

### **B32 Traffic & Pedestrian Management Plan**

Prior to the issue of a Construction Certificate **for each stage**, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Roads and Traffic Authority and Greater Taree Council. The Plan shall address, but not be limited to, the following matters:

- (1) Ingress and egress of vehicles to the site;
- (2) Staging strategy;
- (3) Construction and operational traffic considerations;
- (4) Loading and unloading, including construction zones;
- (5) Predicted traffic volumes, types and routes; and,
- (6) Pedestrian and traffic management methods.

### **B33 Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate for each stage, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this approval,
- (4) The construction vibration criteria specified in the conditions of this approval,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,



- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

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

### **B34 Construction Waste Management Plan**

Prior to the issue of any Construction Certificate which involves works, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant Waste Management Strategy. The Proponent shall submit a copy of the plan to the Department and Council.

### **B35 Erosion and Sedimentation Control**

An appropriately qualified engineer shall prepare a Soil and Water Management Plan. The soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater-Soils & Construction Volume 1 (Landcom 2004). Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage.

### **B36 Haulage Routes**

Haulage routes for the construction are to be approved by Council, prior to the issue of any Construction Certificate.

### **B37 Vegetation Disposal**

Details of the method of disposal of vegetation to be removed as a result of development are to be submitted to Council, prior to the issue of a Construction Certificate which involves clearing. It should be noted that Protection of the Environment Operations (Control of Burning) Regulation 2000 prohibits disposal of vegetation by burning.

## **Civil Works**

### **B38 Civil Works Plans**

Plans for the civil works, prepared in accordance with Council's Auspec No. 1 Design Manual and the Rural Fire Service are to be submitted to and be approved by Council prior to the issue of a Construction Certificate for those works. Plans are to be accompanied by the current appropriate fees, together with a civil works construction certificate application.

### **B39 Retaining Walls**

Retaining walls shall be designed and certified by a qualified structural engineer in accordance with AS 4678 Earth Retaining Structures. The retaining walls shall be located fully within the boundaries of the subject property. Details are to be provided with the Construction Certificate which includes the retaining walls.

## **Water and Sewerage**

### **B40 Midcoast Council**

A Certificate of Compliance being received from MidCoast **Council** prior to the release of the any construction certificate by the Certifying Authority, stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.

## **Long Service Levy**

### **B41 Payment**

The prescribed Long Service Levy is to be paid to Council prior to the issue of each Construction Certificate, as applicable.

### **B43 Landscaping Plans**

Detailed landscape plans are to be prepared in consultation with MidCoast Council prior to the issue of the first construction certificate for each stage, and are to be generally in accordance with the landscaping plans prepared by Place Design Group approved under Condition A3 and include:

1. details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).
2. provides evidence that opportunities to retain significant trees have been explored and/or informs the plan.
3. demonstrates how the proposed development would:
  - contribute to long term landscape setting in respect of the site and streetscape.
  - mitigate the urban heat island effect and ensure appropriate comfort levels on-site.
  - contribute to the objective of increased urban tree canopy cover.
  - maximise opportunities for green infrastructure, consistent with Greener Places and having regard to any bush fire risk.

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

### **C1 Notice of Commencement**

A construction certificate for each stage, issued by the Certifying Authority, is to be deposited with Council at least 48 hours prior to commencement of any construction works on the site.

### **C2 Osprey Nest**

Deleted

### **C3 Project Ecologist**

An appropriately experienced and qualified project ecologist is to be engaged for the duration of the construction work and until all lots are sold. The project ecologist shall ensure all environmental protection measures are carried out during construction.

### **Bushfire Safety requirements**

### **C4 Asset Protection Zone**

At the commencement of building works and in perpetuity the following asset protection zones (based on level 3 construction under Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas<sup>1</sup> shall be provided within the lots and maintained as outlined within Planning for Bush Fire Protection 2006 (in particular A2.2 (vi) and Appendix 5) and the Service's document Standards for asset protection zones:

- To the north east of proposed lots 425-431, 601 and 606-612 for a distance of 10 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the west of proposed lot 431 and to the east of proposed lot 612 for a distance of 10 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the north west of proposed lots 202-204 and lot 741 for a distance of 10 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the north west and west of proposed lots 201,111 and 315-316 for a distance of 15 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the south west through to north of proposed Lot 314 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area subject to any amendments required by Condition B1,;
- To the west of proposed lots 301-303 and 307 for a distance of 10 metres as an Inner Protection Area and 10 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the south west of proposed lots 309 and 310 for a distance of 10 metres as an Inner Protection Area and 10 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the east of proposed lot 309 for a distance of 10 metres as an Inner Protection Area and 10 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the north of proposed lots 311-312 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the south of proposed lot 313 for a distance of 10 metres as an Inner Protection Area and 10 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the north and west of proposed lot 313 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;

- To the north through to north east of proposed lots 507-509 for a distance of 15 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the east of proposed lot 509 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the north east though to south east of proposed lots 510-512 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the south of proposed lot 503 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the west of proposed lots 503-504 and to the north west of proposed lot 505 for a distance of 10 metres as an Inner Protection Area, subject to any amendments required by Condition B1;
- To the south west of proposed lots 501-502 and 516-521 for a distance of 20 metres as an Inner Protection Area and 20 metres as an Outer Protection Area, subject to any amendments required by Condition B1;
- To the east of proposed lot 501 for a distance of 10 metres as an Inner Protection Area and 10 metres as Outer Protection Area, subject to any amendments required by Condition B1;
- The property around any future dwelling on proposed lot 308 for a distance of 10 metres as an Inner Protection Area and 10 metres as an Outer Protection Area, subject to any amendments required by Condition B1.

The purpose of this condition is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

#### **C5 Aboriginal Heritage Management Plan**

**Prior to the commencement of works for each stage, the relevant mitigation measures for that stage within the Aboriginal Heritage Management Plan prepared in accordance with Condition B4 are to be implemented.**

#### **C6 Koala Feed Trees and Hollow Bearing Trees**

**Prior to the commencement of works for each stage, a suitably qualified ecologist is required to identify suitable trees of Koala feed tree species or hollow bearing trees for retention within areas to be thinned. These trees should be suitably identified and protected during construction works.**

## **PART D DURING CONSTRUCTION**

### **Bushfire Safety requirements**

#### **D1 Delineation of Asset Protection Zones on site**

The Asset Protection Zones (APZs) on lots **922, 156** and **189** (or lots as amended) must be surveyed and marked by a registered surveyor in accordance with the amended Plan of Subdivision Layout. The extent of the APZs must then be clearly delineated by capped 50mm round galvanised pipe concreted into the ground at 5m spacings across the width of each lot on the surveyed extent of the APZ.

### **Environmental Management Requirements**

#### **D2 Project Ecologist**

The Project Ecologist is to ensure all environmental protection measures are carried out according to the conditions of approval, the Tree and Vegetation Removal Plan, the Habitat and Vegetation Management Plan and Weed Control Plan. The Project Ecologist will:

- (1) Oversee tree and vegetation clearing works undertaken as part of subdivision construction;
- (2) Undertake a site induction with new lot owners to acquaint them with the Habitat and Vegetation Management Plans, requirements of the covenants on their land and the ecological values of the site and how their actions can affect these values;
- (3) Provide information to new lot owners on Koalas and appropriate management of Koala habitat;
- (4) Provide certification that conditions relating to tree and vegetation management and protection are carried out, upon the registration of each subdivision stage;
- (5) Provide this certification to the Certifying Authority and copies to Council and the Department of Planning.

#### **D3 Koala Protection during Construction**

All dogs are to be excluded from the development site during construction. Any contract signed for subdivision, building works or subsequent maintenance works on this site is to include this prohibition in the terms and conditions.

#### **D4 Operation of the Habitat and Vegetation Management Plan**

At the commencement of work **for each stage**, vegetation management as required under the Habitat and Vegetation Management Plans are to commence **for that particular stage, if relevant**.

#### **D5 Weed Management**

At the commencement of work **for each stage** weed control works shall also commence in accordance with the Weed Control Plan **for the relevant stage**.

#### **D6 Hollow Bearing or Koala Bearing Tree Removal**

Trees with hollows or Koalas approved to be felled during the construction phase will be felled in accordance with the Tree and Vegetation Removal Plan.

#### **D7 Retention of Vegetation**

All native trees and native vegetation not specifically identified for removal on Tree and Vegetation Removal Plan, within each lot of the subdivision, other than the Public Foreshore Reserve and the Drainage Reserve to be dedicated to the Council, shall be retained.

## **Site Maintenance**

### **D8 Erosion and Sediment Control**

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

### **D9 Disposal of Seepage and Stormwater**

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

## **Construction Management**

### **D10 Approved Plans to be On Site**

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

### **D11 Site Notice**

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

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

### **D12 Contact Telephone Number**

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

### **D13 Protection of Trees - Street Trees**

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

### **D14 Protection of Trees - On-site Trees**

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction. No vehicles are to be parked, or any materials to be stored underneath the tree canopy of any tree to be retained. Trees are to be protected in accordance with the Tree and Vegetation Removal Plan.

#### **D15 Dust Control Measures**

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

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) The surface should be dampened to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (4) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (5) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (6) Cleaning of footpaths and roadways shall be carried out regularly.

#### **D16 Haulage Routes**

The applicant is to restore, replace or reconstruct any damage caused to road pavements, surfaces or street furniture on existing roads used for the construction of the subdivision.

#### **Noise and Vibration**

##### **D17 Hours of Work**

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

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

Works may be undertaken outside these hours where:

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

## **D18 Construction Noise Objective**

The construction noise objective for the Project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15minute) descriptor) so it does not exceed the background  $LA_{90}$  noise level by:

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

The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

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

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

## **D19 Construction Noise Management**

The Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
  - a. 9.00 am to 12.00 pm, Monday to Friday;
  - b. 2.00 pm to 5.00 pm Monday to Friday; and
  - c. 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

## **D20 Vibration Criteria**

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

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

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

## **D21 Vibration Management**

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

## **Heritage**

### **D22 Aboriginal Heritage**



- (1) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and the DECC are to be notified. If the remains are found to be of Aboriginal origin and the Police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECC.
- (2) If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by the DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.

### **D23 Impact of Below Ground (Sub-surface) Works - Non-Aboriginal Objects**

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

### **Stormwater and drainage**

#### **D24 Pit ID**

All kerb inlet pits are to include a drain ID sign glued to the lintel bar with Sikaflex (or equivalent) at no cost to Council, in accordance with Council requirements.

#### **D25 Kerb Adaptor**

A galvanized steel non-flexible kerb adaptor is to be placed in the kerb at the downstream frontage of each lot that can drain to the street, where kerb and gutter is constructed.

#### **D26 Foreshore Land**

**All the foreshore area works set out in the “Approved Stage 2 Foreshore Lands Vegetation Management Plan” shall be established in conjunction with the works for stage 2 of the subdivision works. Works shall be undertaken by suitable contractors working under the direction of a project ecologist.**

#### **D27 Weed Control**

**During construction works, weed control as approved by Condition B7 is to be undertaken across the relevant stage site until the registration of the lots**

## **PART E PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE**

### **E1 Staging of Part 4A Certificates**

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the Environmental Planning and Assessment Act 1979. Separate subdivision certificates for each stage (or group of stages) may be obtained provided the applicable conditions of this approval for that stage have been complied with and separate Construction Certificates have been issued for that stage or group of stages.

### **Bushfire Requirements**

#### **E2 Fire Trails**

Gates are to be provided on each of the end of the two fire trails. The gates are to be locked with a key/lock system authorised by the local RFS and signposted "For Emergency Use Only", prior to the issue of the Subdivision Certificate for the stages of the development which include the fire trails. Copies of the keys shall be provided to the Rural Fire Service and all residences with direct access to the trails.

#### **E3 Covenants for Asset Protection Zones**

- (1) Covenants pursuant to section 88E of the Conveyancing Act 1919 shall be established for the provision of and maintenance of asset protection zones in accordance with Planning for Bushfire Protection 2006, on the title to all lots as required by the RFS in Condition C4.
- (2) A covenant pursuant to section 88E of the Conveyancing Act 1919 shall be established for the provision of any asset protection zones located outside individual lot boundaries. The covenant shall require the land to be managed in accordance with the Plan of Management for Asset Protection Zones. This does not apply to asset protection zones provided by formed roads.

The purpose of this condition is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

#### **E4 Plan of Management for Asset Protection Zones**

A plan of management shall be prepared and approved by Council, prior to the release of any subdivision certificate for Stage 1, for the maintenance of any asset protection zones that are provided within land to be dedicated to Council. The plan shall include the responsible management party, methodology for management and the proposed management regime.

The purpose of this condition is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

#### **E5 Covenant for Fire Trails**

**An instrument containing a positive covenant in favour of the Council pursuant to Section 88E of the Conveyancing Act 1919 shall be placed on the title of Lot 156 that requires the fire trail to be maintained in accordance with Planning for Bushfire Protection 2019.**

## **E6 Registration of Easements**

Prior to the issue of any Subdivision Certificate, the Proponent shall provide evidence to the Certifying Authority that all easements required by this approval, and other consents have been or will be registered on the certificates of title.

## **E7 Covenant for Building Envelopes**

Prior to the release of a subdivision certificate for any stage of the subdivision, a restriction as to user pursuant to Section 88E of the Conveyancing Act 1919 shall be prepared in respect of the placement of building envelopes.

The Instrument shall be prepared by the proponent and submitted to Council for endorsement.

The 88E Instrument shall be registered on title at the same time as the creation of the lot for endorsement.

## **E8 Covenant for Vegetation Management**

An instrument containing a positive covenant in favour of the Council pursuant to Section 88E of the Conveyancing Act 1919 shall be prepared in respect of vegetation on **all lots**. The Instrument shall require all native vegetation not requiring removal under the Tree and Vegetation Removal Plan to be retained, conserved, rehabilitated and managed in accordance with a Habitat and Vegetation Management Plan (HVMP) (see **Condition B4**), at all times and in perpetuity and shall be submitted to the Department for approval.

The Section 88E instrument shall make reference to the implementation of the Habitat and Vegetation Management Plan prepared and approved for **all lots** and shall contain the following restrictions and requirements:

- Control of feral animals;
- Exclusion of all domestic stock, including horses;
- Exclusion of apiaries;
- Ecologically appropriate fire regime;
- Retention of all trees with hollows;
- Control of weeds in retained/ planted native vegetation;
- Retention of all standing and fallen timber;
- Retention of all rocks;
- Prohibition on cats and dogs;
- Supplementary planting of local indigenous native vegetation species;
- Prohibition on any vehicular access to vegetated areas;
- stormwater controls; and
- monitoring.

The Instrument shall be prepared by the proponent and submitted to Council for endorsement. Once a subdivision certificate has been issued, the covenant is to be registered on the title to each of the affected lots. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

## **E9 Covenant for *Diuris flavescens* Management**

An instrument containing a covenant in favour of the Department of Environment and Climate Change pursuant to Section 88E of the Conveyancing Act 1919 shall be prepared in respect of the known locations of the *Diuris flavescens* orchid plus an additional 15 metre buffer (where possible) on lots known to contain populations of the orchid, requiring the population of *Diuris flavescens* to be retained, conserved, rehabilitated and managed in accordance with an Orchid Habitat Management Plan (OHMP) (see Condition B4).

The Section 88E instrument shall make reference to the implementation of the Orchid Habitat Management Plan prepared and approved for the lots containing orchid populations and shall contain the following:

- Control of feral animals;
- Exclusion of all domestic stock, including horses;
- Exclusion of apiaries;
- Ecologically appropriate fire regime;
- Retention of all trees with hollows;
- Control of weeds in retained/ planted native vegetation;
- Retention of all standing and fallen timber;
- Retention of all rocks;
- Prohibition on cats and dogs;
- Supplementary planting of local indigenous native vegetation species;
- Prohibition on any vehicular access to vegetated areas;
- Stormwater controls;
- Monitoring; and,
- Species specific requirements to ensure that habitat of the local orchid population are maintained.

The Instrument shall be prepared by the proponent and submitted to the Department of Environment and Climate Change for endorsement. Once a subdivision certificate has been issued, the covenant is to be registered on the title of each to each of the affected lots. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Department of Environment and Climate Change. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

#### **E10 Restriction as to User- 1% ARI Flood Level +Sea Level Rise Allowance**

A Restriction as to User is to be entered onto the title of all lots affected by the 1% ARI flood, with Council nominated as the body empowered to modify or waive such requirements. The restriction shall require that no building shall be erected on that part of the land affected by the 1% flood plus a sea level rise allowance. (The 1% flood plus sea level rise allowance line is to be shown on the linen plan for each lot). The habitable floor level shall be 500mm above

the 1% flood level plus the sea level rise allowance, in accordance with Council's Flood Management Policy and as outlined in Condition B28.

#### **E11 Restriction as to User- Vehicular Access**

A Restriction as to User is to be entered onto the title of Lots **101, 103 to 108, 136 and 137** denying vehicular access to The Bucketts Way for Lots **101, 103 to 108, 136 and 137**, with Council nominated as the body empowered to modify or waive such requirements.

## **E12 Right of Carriageway- Lots 312 and 313**

Deleted

## **E13 Restriction on Cats and Dogs**

To protect native fauna in the locality, no cats or dogs (other than guide dogs for assistance of vision impaired persons) may be kept on any allotment at any time.

Prior to the issue of any subdivision certificate an instrument under section 88E Conveyancing Act 1919 which includes the restrictive covenant which prohibits the keeping of the said animals, in registerable form shall be prepared by the owner of the land and produced to the Council for approval and execution. Once a subdivision certificate has been issued, the covenant is to be registered on the title to each of the lots. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Department. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

## **Crown Road**

### **E14 Closure of Crown Road**

Deleted.

### **E15 Revegetation, Grading and Drainage of Open Space Area**

Any required revegetation, grading and drainage of the proposed open space areas is to be completed, to the satisfaction of Council, prior to the issue of a Subdivision Certificate.

### **E16 Grassed Verge**

The verge is to be regraded, levelled and turfed or grass seeded to Council requirements.

### **E17 Rural Address Number**

A rural address number is to be obtained from Council for each lot and this number is to be displayed at the vehicle access to each lot, prior to the issue of a Subdivision Certificate.

## **Land Dedications**

### **E18 Dedication- Pedestrian Pathways**

The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council, pedestrian pathways with a reservation width of 4 metres.

### **E19 Splay Corners**

The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council, splay corners 10metres x 10metres within lots at all intersections.

### **E20 Foreshore Reserve**

The foreshore reserve shown as **Lot 192** is to be dedicated to Council upon registration of the **first** deposited plan for Stage **2**.

### **E21 Drainage Reserve**

The Drainage Reserve shown as **Lot 189 and 191** outlined in blue, is to be dedicated to Council upon registration of the first deposited plan **for Stage 1**.

## **E22 Conditions to be met prior to release of Subdivision Certificate**

After practical completion of works and services to Council's standards the following will be required prior to the issue of a Subdivision Certificate:

- (1) A "Work as Executed" set of drawings prepared in accordance with the requirements of Council's AUSPEC No. 1 Design Manual. These must be original drawings showing as constructed details of all works and services, suitably endorsed as correct on each sheet by the Superintendent.
- (2) Maintenance Deposit - Deposit with Council (Cash or a Bank Guarantee) for a period of twelve months from completion of engineering work of a sum equal to 5% of the cost of Engineering Works prior to the issue of a Subdivision Certificate. This security is to lodged to guarantee the quality of work and to ensure that the contractor carries out all maintenance and repairs required during this period.
- (3) Bonding Policy - Any work to be bonded must be in accordance with Council Policy AUSPEC No. 1 Design Manual. Generally, bonds will only be accepted for final seal or Asphaltic Concrete surfacing. Bonding will be via a cash bond or bank guarantee in the sum of 150% of the current cost of carrying out the work at Council rates. The time limit for such bonds is three (3) months.
- (4) The actual contract values of all assets (roads, stormwater drainage, open space, etc) dedicated to the public are to be submitted with "Works as Executed" drawings on Council's standard form.

## **E23 Compliance Certificates**

Compliance certificates from suitably qualified professionals are to be provided prior to the release of the Subdivision Certificate for each stage indicating that the following works have been carried out within that stage in accordance with the approved design plans and specifications and in accordance with any relevant Australian Standards:

- Vegetation clearing
- Asset Protection Zone creation
- Tree Protection
- Hollow bearing tree removal
- Weed Management
- Habitat and Vegetation Management
- Earthworks and filling
- Drainage infrastructure
- Bridges and culverts
- Pavement subgrade, base course densities and sealing
- Pavement to underside of kerb and gutter
- Kerb and gutter
- Erosion control measures
- Landscaping
- Signage
- Water Quality Monitoring

## **Services and Utilities**

## **E24 Midcoast Council**

A Certificate of Compliance being received from MidCoast Council prior to the release of any part of the subdivision by the certifier, stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development. A copy of the Certificate of Compliance is to be provided to certifying authority and to the Council prior to issue of a Subdivision Certificate.

## **E25 Telstra**

Documentary evidence of satisfactory arrangements with Telstra for the provision of underground telephone plant to each of the lots, including installation of service conduits, is to be provided to Council and the Certifying Authority prior to the issue of a Subdivision Certificate.

## **E26 Electricity**

Certification of completion of works from an accredited supplier for the provision of underground electricity supply and street lighting to each lot is to be provided to Council and the Certifying Authority prior to the issue of a Subdivision Certificate.

## **E27 Services**

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

## **E28 Utilities Adjustments**

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost of Council.

## **E29 Electricity and Telecommunications**

Prior to the issue of the subdivision certificate certification is to be provided to the Certifying Authority that electricity and telecommunications services have been provided to each lot to the satisfaction of the relevant authorities. All such services are to be provided underground.

## **E30 Street Lighting**

Street lighting is to be provided at the following intersections prior to the issue of a Subdivision Certificate:

- a) The Bucketts Way and both entry roads; and
- b) Main entry road and four-way intersection - roundabout.

## **Section 94 Contributions and Contributions-in-lieu**

### **E31 Monetary Contributions**

- A) The Proponent shall pay the following monetary contributions to Council for the following designated purposes prior to the issue of a Subdivision Certificate for each stage: NOTE: a three lot Concession has been applied as there are three existing lots, for which contributions are not required.

## **S94 Contributions**

Contributions Category	Rate per lot	Stage 1 88 Lots (minus 1 concessional for existing lot = 87)	Stage 2 21 Lots (minus 1 concessional for existing lot = 20)	Stage 3 13 Lots (minus 1 concessional for existing lot = 12)	Total 119 Lots
Taree – With exclusions					
Open space	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Roads	\$2,930.50	\$254,953.50	\$58,610.00	\$35,166.00	\$348,729.50
Rural Fire Fighting (Rural)	\$1,136.45	\$98,871.15	\$22,729.00	\$13,637.40	\$135,237.55
Finance	\$64.38	\$5,601.06	\$1,287.60	\$772.56	\$7,661.22
Greater Taree – no exclusions					
Central Library Service enhancement	\$461.68	\$40,166.16	\$9,233.60	\$5,540.16	\$54,939.92
Library Bookstock	\$133.17	\$11,585.79	\$2,663.40	\$1,598.04	\$15,847.23
Aquatic Centre	\$184.29	\$16,033.23	\$3,685.80	\$2,211.48	\$21,930.51
Rural Fire Fighting (Centre)	\$407.33	\$35,437.71	\$8,146.60	\$4,887.96	\$48,472.27
Surf Life Saving	\$204.88	\$17,824.56	\$4,097.60	\$2,458.56	\$24,380.72
Regional Open Space	\$419.67	\$36,511.29	\$8,393.40	\$5,036.04	\$49,940.73
S95 Coordinator	\$317.10	\$27,587.70	\$6,342.00	\$3,805.20	\$37,734.90
S94 Plan Preparation	\$10.43	\$907.41	\$208.60	\$125.16	\$1,241.17
Finance	\$176.60	\$15,364.20	\$3,532.00	\$2,119.20	\$21,015.40
<b>Grand Total</b>	<b>\$6,446.48</b>	<b>\$560,843.76</b>	<b>\$128,929.60</b>	<b>\$77,357.76</b>	<b>\$767,131.12</b>

## B) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Greater Taree City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Subdivision Certificate.



### C) Indexing

The amount of each contribution may be revised in accordance with the indexing or review provisions of the relevant Contribution Plan under which the contribution is levied. The amount of each contribution will be determined by Council at the time of payment in accordance with those provisions

### D) Land Dedication

In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Councils Section 94 Contributions Plan, a land dedication has been accepted in lieu of a Contribution for Open Space.

## E32 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Subdivision Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

## Stormwater and Drainage

### E33 Drainage

Certification by a Registered Surveyor is required, prior to the release of the Subdivision Certificate, that all services and domestic drainage lines are wholly contained within the respective lots.

## Construction Works

### E34 Filling Works

All filling works shall be carried out under the supervision, and to the satisfaction of, a qualified Geotechnical Engineer. Prior to the issue of a Subdivision Certificate, a report prepared by the Geotechnical Engineer shall be submitted to Council determining the suitability of each allotment for residential development and its classification.

All filling and testing is to be carried out in accordance with AS 3798 - 1996 Guidelines on Earthworks for Commercial & Residential Developments.

Where depth of filling exceeds 300mm, Council will require that it be constructed in horizontal layers not exceeding 150mm compacted thickness. Each layer is to be compacted to at least 95% of the maximum dry density, when tested, in accordance with AS 1289 - 1993 Clauses 5.1.1 and 5.3.1. Verification of the compaction is to be provided by a certificate, incorporating a location plan indicating filled areas in relation to road and lot boundaries, from a registered N.A.T.A. testing laboratory prior to the issue of a Subdivision Certificate.

### E35 Civil Works

Prior to the issue of a subdivision certificate, a Council approved contractor is to carry out the following civil work and services in accordance with the approved plans.

- (1) Construction of roads in the subdivision to the following Auspec standards:

Road	Hierarchy	Carriageway & Width
Main entry road from The	Collector	9 metres (sealed)

Bucketts Way to Proposed Lot 101		
Other Internal Roads including the access to the Reserve adjoining Lot 509	Rural Residential	6 metres sealed

- (2) Construction of the following intersections with geometry in accordance with Austroads "Guide to Traffic Engineering Practice: Part 5 - Intersection at Grade and other standard shown.

Intersection Type	Standard	Location
CHR/BAL	RTA Road Design Guide & Austroads	Main entry road and The Bucketts Way, Urray Road and The Bucketts Way

(The carriageway of The Bucketts Way at the intersections and for 100 metres either side is to be scarified and re-sealed to provide the full integrity of the road structure).

Intersection Type	Standard	Location
Roundabout	RTA/Austroads	Main entry road and four-way intersection

(The roundabout pavement is to be concrete).

- (3) Reconstruction of Urray Road from The Bucketts Way to the subdivision in accordance with Auspec Design Category 6, Rural Residential, with a 6 metres wide sealed carriageway.
- (4) Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee.
- (5) Construction of a temporary sealed cul-de-sac with a minimum radius of 8.5 metres and white reflectorised guideposts at the end of all uncompleted roads.
- (6) White guideposts with reflectorised delineators are to be placed in series on both sides of the road formation in accordance with Austroad's "Traffic Control Devices Section 9".
- (7) Safety barriers are to be erected on both sides of the subdivision roads for the full length of embankments over major drainage culverts, in accordance with RTA standards.
- (8) Erection of advanced intersection warning signs on The Bucketts Way each side of the proposed new intersections in accordance with RTA standards.
- (9) A signs and linemarking plan is to be prepared for all roadworks, including the roundabout, and submitted to Council and the RTA for approval.
- (10) Bus stop facilities, including indented stopping bays and bus shelters, are to be provided as part of the subdivision in consultation with the local bus company and Council.
- (11) Construction of concrete footpath paving 1.2 metres wide, as shown in the Footpaving Plan for this subdivision.
- (12) Shared footways/cycleways 2.5 metres wide are to be constructed in concrete throughout the subdivision in accordance with the Footpaving/Cycleway Strategy Plan.

- (13) Two symbolic "Caution Koalas" warning signs shall be installed, one at the entrance to the site off Bucketts Way, on the west side of the road 50m from the intersection and one at the entrance to the site off Urray Road, on the west side of the road 50m from the intersection.
- (14) A plan of speed limiting measures to ensure koala safety is to be prepared by the proponent and approved by Council. Measures should ensure that speed is limited to no more than 40km/h within the site.

### **E36 Concrete Driveways Lots 143 & 144**

A 150 mm thick steel reinforced concrete driveway 3.0 metres wide is to be constructed for the full length of the handle of the proposed new lots 143 and 144, the access handle to Lot 541 DP 1113791 and across the footpath, prior to the issue of a Subdivision Certificate. Details of the driveway, associated drainage structures and any retaining walls required are to be submitted to and approved by Council.

**PART F PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

There are no Part F conditions.

## **PART G ONGOING CONDITIONS - POST SUBDIVISION COMPLETION**

### **G1 Asset Protection Zones**

At the commencement of building works and in perpetuity the following asset protection zones required under Condition C4 shall be provided in accordance with Appendix 4 of Planning For Bushfire Protection 2019

The purpose of this condition is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

### **Maintenance and Monitoring**

### **G2 Water Quality Monitoring**

Water quality monitoring is to be carried out in accordance with the approved Water Quality Monitoring Strategy. Water quality monitoring is to be carried out throughout the length of the project and until two (2) years after the [issue of a subdivision certificate for each relevant stage](#).

Any failure to meet the specified water quality measures in that document is to be addressed by further mitigation measures which are to be approved by Council.

### **G3 Habitat and Vegetation Management Plan Monitoring**

Management as required under the Habitat and Vegetation Management Plans is to be undertaken on the affected lots for the life of the development.

An annual monitoring report is to be submitted to Council no later than 1 July, detailing management undertaken as part of actions required under the Habitat and Vegetation Management Plan.

An annual monitoring report is to be submitted to [Biodiversity Conservation Division](#) no later than 1 July, detailing management undertaken as part of actions required under the Orchid Habitat Management Plan Schedule of the HVMP.

### **G4 Koala Safe Fences**

Any fence constructed on any lot must maintain at least a 300 millimetre space above ground level for its entire length to allow koalas to move underneath.

### **G5 Koala Safe Pools**

A length of rope (minimum diameter 50 millimetres) must be affixed to a stable poolside fixture and trailed in any swimming pool at all times in such a way as to allow trapped koalas to climb out of the pool.

### **G6 Osprey Nest Monitoring**

[Deleted](#)

### **G7 Weed Management**

[For the period of one \(1\) year following the registration of each stage, weed control as approved by Condition B7 is to be undertaken across the relevant stage site or until the lots are sold.](#)

### **G8 Maintenance of Foreshore Reserve**

The Foreshore Reserve is to be maintained by the proponent for a period of five (5) years following its dedication to Council. At the completion of the maintenance period the proponent shall pay to Council a lump sum to meet the cost of maintenance works for a further period of five (5) years, together with an additional 10% to accommodate cost increases, administrative functions and contingencies

### **G9 Retention of Vegetation**

Any native trees or native vegetation on private land, not specifically identified for removal on the approved Tree and Vegetation Removal Plan, shall be retained.

### **G10 Killawerra Creek Drainage Reserve/EEC Rehabilitation Area**

The Killawerra Creek Drainage Reserve/EEC Rehabilitation Area shall be used for drainage and for the rehabilitation and maintenance of the Sub-Tropical Coastal Floodplain Forest EEC only. This Reserve is not to be classified as, or used as active open space.

### **G11 Gates on Fire Trails**

The gates on the fire trails are to be kept locked at all times except in an emergency.

### **G12 Planning for Bushfire Protection**

Any further development application for class 1, 2 & 3 buildings as identified by the Building Code of Australia must be subject to separate application under section [4.14](#) of the EP & A Act and address the requirements of Planning for Bush Fire Protection [2019](#).

## **ADVISORY NOTES**

### **AN1 Excavation - Aboriginal Objects**

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

### **AN2 Excavation - Historical Relics**

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

### **AN3 Other Details Required prior to Issue of Subdivision Certificate**

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

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s), and
- (2) Documentary evidence that the property has been developed in accordance with plans approved by Major Project MP05\_0038 and of compliance (or a Compliance Certificate) with the conditions of that approval.

### **AN4 Stormwater drainage works or effluent systems**

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

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

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

### **AN5 Disability Discrimination Act**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **AN6 Commonwealth Environment Conservation Act 1999 Protection and Biodiversity**

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 matter of national environmental significance (NES) matter, or 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 approval 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.



SCHEDULE 3

MP 05\_0038

137 LOT RURAL RESIDENTIAL SUBDIVISION

LOTS 53 AND 54 DP 836998 AND LOT 156 DO 753202, THE BUCKETTS WAY, TINONEE

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

## **Appendix H**

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### REVISED STATEMENT OF COMMITMENTS

## Revised Statement of Commitments

Impacts	Commitments
General	<ul style="list-style-type: none"> <li>The subdivision will be staged in accordance with the Staging Plans included in the Preferred Project report.</li> <li>Compliance with the conditions outlined in the GTCC letter date 11 October 2007 (attached).</li> <li>Compliance with the conditions outlined in the Engineering Assessment dated 29 October 2007 (attached).</li> </ul>
Open Space, Landscaping and Vegetation Management	<ul style="list-style-type: none"> <li>A detailed Landscaping and Vegetation Management Plan will be prepared for the site generally in accordance with the Landscape Principle Plan (PPD 2007) presented in <b>Appendix G</b> of the Environmental Assessment. The Plan is to provide details of the landscaping, revegetation and management measures of existing environmental protection zones, drainage corridors and riparian zones. The Plan is to be prepared by a suitably qualified landscape Architect in consultation with a suitably qualified ecologist to ensure that management measures for identified Threatened and locally important species habitats and movement corridors is incorporated in the Plan.</li> <li>The public open space areas nominated as R1, R2 and F1 on the Residential Precinct Plan are to be dedicated to Council for future ownership at the completion of the stages of the subdivision as follows: <ul style="list-style-type: none"> <li>Stage 1 - F1, R2 and R1 from the eastern boundary of Lot 204 to the boundary of Lots 506/507</li> <li>Stage 2 - R1 from the boundary of Lots 506/507 to the western boundary</li> </ul> </li> </ul> <p>The embellishment of the public open space areas is to be carried out in accordance with the Landscape Master Plan. This embellishment is to be provided in lieu of Taree Open Space Section 94 contributions.</p>
Air Quality	<ul style="list-style-type: none"> <li>Any vegetation removal will be undertaken during damp conditions.</li> <li>All loads leaving the site are adequately covered to prevent wind blowing dust from trucks during transit.</li> <li>Stockpiles are to be maintained in a moist condition to minimise wind blown and traffic generated dust.</li> <li>All roads and trafficked areas will be watered as required to minimise the generation of dust.</li> </ul>
Soils	<ul style="list-style-type: none"> <li>Soil and water management plans will be prepared for each stage of the subdivision and will be submitted with the engineering plans for approval by Greater Taree City Council.</li> <li>Surface drainage for construction is to be installed prior to commencement of earthworks to intercept overland flow from the upslope catchment area.</li> <li>An erosion control plan will be developed in accordance with relevant guidelines prior to</li> </ul>

## Revised Statement of Commitments

Impacts	Commitments
	<p>the commencement of construction.</p> <ul style="list-style-type: none"> <li>• Topsoils will be stockpiled for landscaping purposes.</li> <li>• Any filling on the site will be placed and compacted in accordance with AS 3798 - 1996, Guidelines on Earthworks for Commercial and Residential Development.</li> <li>• All excavation and fill batter slopes will be battered at a maximum gradient of 2H:1V and protected from erosion. Steeper batter slopes may be applicable in rock materials provided confirmation by a suitably qualified geotechnical engineer.</li> <li>• Retaining walls will be designed for surcharge loading from slopes and structures above the wall. Adequate subsurface and surface drainage will be provided behind all retaining walls. All retaining walls constructed as part of subdivision development will be engineer-designed.</li> <li>• Further testing will be conducted to confirm acid sulphate potential and if an acid sulphate soil management plan is required. This testing and management plan, if required, will be confirmed prior to site earthworks commencing. A remediation plan should be prepared for any acid sulphate soils exposed during construction.</li> <li>• If excavation of on site ponds is required into the deeper sand, a lining is to be provided to ensure that the pond holds water. If coarse grained soils are encountered at subgrade level they will require either removal or replacement with suitable soil or the placement of an impermeable liner over the permeable soils.</li> <li>• A weir less than 3m high is to be constructed as a homogeneous dam (ie, of a single material). The soil used will contain between 20% and 30% clay and be from UCS soil groups GC, SC, CL or CH. The clay will be compacted to a minimum dry density ratio of 98% standard at moisture content within 2% of standard optimum moisture content.</li> <li>• Where embankments are to be constructed on site, preparation will involve the stripping of all topsoil and fill materials to expose a natural clay subgrade. Impervious clay fill will be placed in layers and compacted to the specification noted above.</li> <li>• All surfaces will be protected from erosion by vegetation. Topsoil will not be placed on batter slopes in excess of 1V:3H. Batter slopes in excess of 1V:3H will be directly seeded or if topsoil needs to be established, horizontal stepped benches cut prior to placement.</li> <li>• Vegetation on pond embankments and impoundment areas will be restricted to grass species only and will not include trees or shrubs that are likely to result in significant root systems.</li> </ul>
Stormwater and Water Quality	<p>The water management structures (detention basin/water quality control) for the proposed subdivision will be designed to prevent interception and/or connection with the and/or infiltration of the underlying groundwater table. That is, these structures will be constructed above the highest pre-dicated groundwater table and sealed with an impermeable liner.</p> <p>Western Catchment</p>

## Revised Statement of Commitments

Impacts	Commitments
	<ul style="list-style-type: none"> <li>• Pit and pipe network for conveying stormwater to the discharge locations.</li> <li>• Construction of 1 off 750mm RCP under the proposed road just upstream of the two existing farm dams.</li> <li>• At the upstream end of the culvert permanent water to 0.6m deep (to RL 4.2) is required to be maintained to provide a macrophyte area to capture and treat sediment and improve water quality leaving the post development site.</li> <li>• Two of the existing farm dams will be used as deep water zones for the catchment of large sediment. Additional earthworks are required to increase both the sedimentation and macrophyte zones in the existing dams to cater for the western development.</li> <li>• Detention is not required in the western catchment in order to reduce post development flows from the site as the culvert control acts to slow the peak discharge sufficiently to ensure flows from Exit Point A closely mimic the natural flows.</li> <li>• Local filling and/or the setting of floor levels for future dwellings will be required for 11 lots.</li> </ul> <p>Eastern Catchment</p> <ul style="list-style-type: none"> <li>• Pit and pipe network for conveying stormwater to the discharge locations.</li> <li>• Construct two water quality control basins with the characteristics specified on Exhibit 4, Appendix H.</li> <li>• Installation of 4 off 3.0m x 1.2m RCBCs (or equivalent) at the internal road between the proposed locations of WQCB1 and WQCB2 and 6 off 1.5m x 0.9m RCBCs (or equivalent) at the internal road in the vicinity of Exit Point 8.</li> <li>• Ensure road levels surrounding the proposed detention basin contain the 1 in 100 year rainfall event.</li> <li>• Divert flows from the existing 2 x 525mm RCPs located under The Bucketts Way into the existing channel.</li> <li>• Local filling and/or the setting of floor levels for future dwellings will be required for 25 lots.</li> </ul>
Bushfire	<p>Precautions be undertaken to protect any dwellings constructed on the site from risk of airborne embers that may originate from bushfires in the vicinity of the site. These include:</p> <p style="text-align: center;">Dwellings to comply with Level 1 construction in accordance with AS 3959-1999.</p> <p>Perimeter fire trails will be constructed at the edge of the Outer Protection Area of each APZ. Trails will be constructed in accordance with specifications outlined in the Planning for</p>

## Revised Statement of Commitments

Impacts	Commitments
	<p>Bushfire Protection guide (RFS/PlanningNSW, 2001).</p> <p>Grounds and managed gardens within the proposed subdivision will be maintained so that all non-retardant understorey plants, leaf litter, branches and other fuel are cleared. Suitable grasses or other fire retardant species may be planted in this area.</p> <p>An important consideration in relation to bushfire risk management is post-development vegetation management.</p> <p>Guidelines for gardens are:</p> <ul style="list-style-type: none"> <li>• Low cut lawn to be maintained adjacent to dwellings;</li> <li>• Areas under fences and gates to be maintained free of fuel;</li> <li>• Trees and shrubs should not overhang dwelling roofs;</li> <li>• Tree canopies should not be continuous;</li> <li>• Gutters and valleys to be kept clear of leaves at all times;</li> <li>• Plant densely foliated deciduous or fire resistant evergreen trees;</li> <li>• Plant smooth barked as opposed to rough barked trees;</li> <li>• Minimise mulched areas; and</li> <li>• Keep gardens well watered.</li> </ul>
Terrestrial Ecology	<p>A Habitat and Vegetation Management Plan (HVMP) will be prepared for the site and submitted for approval by Greater Taree City Council prior to the release of the first stage subdivision. The HVMP will include the following.</p> <p>Covenants under Section 88 (e) of the <i>Conveyancing Act</i> 1919 will be made in favour of Greater Taree City Council and will be noted on the Section 149 certificate. The recommended covenants include:</p> <ul style="list-style-type: none"> <li>• The creation of building envelopes on each Jot. All structures including buildings and swimming pools will be located within these envelopes. The building envelopes will also include the areas required for APZ's;</li> <li>• Swimming pools must be adequately fenced off with suitably designed as one way, Koala safe fencing. All swimming pools must also contain a length of thick rope (minimum 50 mm diameter) with one end attached to a stable poolside structure, and the other end trailing in the pool at all times;</li> <li>• Prohibition of dog ownership or other dog ownership restrictions within the non-</li> </ul>

## Revised Statement of Commitments

Impacts	Commitments
	<p>conventional subdivision area which reduce the potential for dog attacks on Koalas; and</p> <ul style="list-style-type: none"> <li>All fencing (apart from that required around swimming pools) will be of an appropriate design so as not to impede Koala movement, with clearance heights sufficient for Koalas to pass under. This excludes the perimeter fencing in the conventional subdivision area.</li> </ul> <p>Each area required for an APZ must be site specific assessment and all clearing is to be subject to pre-clearing surveys. The identification of individual trees to be removed and/or retained must be assessed by an ecologist to ensure maximum retention of Primary habitat/feed trees. In addition;</p> <ul style="list-style-type: none"> <li>Secondary or non-Koala feed trees must be removed before primary feed trees. After this, primary feed trees can be removed until the requirements of the zone are satisfied;</li> <li>Hollow bearing trees provide habitat for other fauna, including additional Threatened species and must not be cleared. Any trees surrounding the hollow bearing trees should be removed;</li> <li>Inner Protection Area and Outer Protection Area must mapped and marked on site; and</li> <li>Each area required for an APZ must be based on site specific assessment and all clearing is to be subject to pre-clearing surveys. The exact trees to be removed and/or retained must be assessed by an ecologist to ensure maximum retention of Primary habitat/feed trees.</li> </ul> <p>Where some clearing is required, the preferred Koala feed tree species will be preferentially retained. Primary species will also be favoured for any tree plantings such as street planting or revegetation programs within the subject site.</p> <p>In order to ensure the stability of the local Koala population and increase the connectivity of Koala habitat across the subject site, revegetation of existing cleared areas will be undertaken. A revegetation program will be undertaken in currently cleared areas which will not be used for the provision of lots. The areas targeted for planting of Koala feed trees should include movement corridors, all open space areas, drainage channels and areas designated for landscaping. These areas should be used to compensate for the clearing of trees undertaken in the subdivision construction.</p> <p>During the subdivision construction, a cumulative register of tree species will be maintained which details the numbers of each tree species removed and its age class (based on DBH category). This register will be maintained to provide a basis for the provision of compensatory</p>

## Revised Statement of Commitments

Impacts	Commitments
	<p>habitat. Tree removal during the construction of the subdivision must be compensated through tree planting with a compensation rate of 5 feed trees planted for each feed tree removed.</p> <p>Upon completion of the development works, individual landholders would be responsible for weed management. Education and awareness strategies will inform residents about the need for, and methods of, appropriate weed management. Brochures demonstrating typical weed species and methods of removal will be made available to landowners upon purchase of each property.</p> <p>The habitat enhancement program will be initiated as soon as practical after the clearing and will incorporate measures including:</p> <ul style="list-style-type: none"> <li>• Placement of felled trees for habitat structures;</li> <li>• Re.erection of hollow bearing trees or salvaged hollows and/or erection of nest boxes and artificial hollow structures (as part of an artificial hollow program) for Threatened species;</li> <li>• Erection of nesting platforms for (Ospreys and other raptors) at least 30 m high. Tree species with a low mature height such as Allocasuarinas should be planted around these platforms and prevent other trees growing over the nesting platforms in the future;</li> <li>• General revegetation strategies of the urban landscapes using a selection of tree species propagated from seeds originating from within the proposed development area, particularly from seeds gathered from known individual Koala feed trees within the existing 7 {a} area at the subject site. Other tree species should include Allocasuarina species obtained from seeds within the subject site.</li> <li>• Revegetation and improvement of wildlife corridors and habitats utilised within the subject site for movement to and from adjoining areas using Koala feed trees and Allocasuarinas. These areas include along the boundary to the roadside of The Bucketts Way, and the boundary at the south east corner. Movement within the subject site may also be improved by providing a corridor through the drainage line. An opportunity exists to revegetate the road verge and boundaries of the subject site, and thereby enhance the corridor function of the existing vegetation along these areas.</li> <li>• Minimise building envelopes and design envelopes to avoid significant areas of vegetation, particularly hollow bearing trees; and</li> <li>• Weed management and removal strategies after the initial clearing stage performed at least every month for six months to minimise the invasion and establishment of weed species in the cleared areas. Ongoing weed management including monitoring and removal should be performed at least every three months to prevent any weeds from</li> </ul>



## Revised Statement of Commitments

Impacts	Commitments
	<p>establishing.</p> <p>A Koala Management Committee (KMC) will be established for the subject site and should include members of the community, a representative of GTCC and DECC. The KMC would provide a forum for the communication between stakeholders including residents, developers, planners, scientists, and Council. The KMC will assist continued monitoring at the subject site and provide feedback on progress of the development. The success of the development may be addressed in addition to any shortfalls or complications that may arise. Such a forum provides an opportunity for educating stakeholders and can therefore help preserve habitats by promoting awareness which is a key factor in conservation and environmental protection.</p> <p>As daily activity can impact upon Koalas and Koala habitat, residents should be aware of the provisions and their obligations to comply with the restrictions on title and recommendations in this report. Koala awareness packages designed by the developer will provide information to prospective residents regarding the habitat values at the subject site, and ways to reduce the impact upon Koalas utilising the subject site. The information packages need to be clearly set out and comprehensible by all age groups. Such literature is to include:</p> <ul style="list-style-type: none"> <li>• The value of the habitats at the subject site for Koalas and other fauna;</li> <li>• A brief description of Koalas;</li> <li>• A list of primary and secondary feed trees, - the package will aim to encourage residents to propagate endemic Koala feed trees in their own back yards for use throughout the entire subdivision;</li> <li>• A list of threats to Koalas and actions residents can take to alleviate these threats, particular emphasis is to be placed on the dangers of roads, dogs and habitat removal;</li> <li>• The restrictions within the subject site including dogs, tree removal and speed limits;</li> <li>• Likely weed species within the subject site, and weed management strategies; and</li> <li>• Contact numbers for reporting any Koala sightings, including any dead or injured Koalas, and information on recommended actions if an injured or dead Koala is encountered.</li> </ul> <p>A standard survey form will be designed for residents within the subject site and should be distributed at least annually. The surveys are to be designed by the KPMC and must be easy to fill out with simple instructions to follow. Information obtained from the community surveys may help measure the success of any management strategies and could include:</p> <ul style="list-style-type: none"> <li>• Koala sightings;</li> <li>• Suggestions for improvement of Koala management; and</li> </ul>

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	<ul style="list-style-type: none"> <li>Feedback towards any management strategies.</li> </ul> <p>Signs will be positioned at the main entrance to inform visitors of the sensitivity of the Koala habitat and the likelihood of Koala activity with the subject site. Various signs will be placed at appropriate locations throughout the subject site to display speed limits, traffic calming devices, dog prohibition, and regeneration in progress etc.</p> <p>Nature walks with raised platforms and strategically placed interpretive information will be constructed at suitable locations throughout the habitats at the subject site. The walkways will be designed and located to weave between trees and thereby avoid clearing. The interpretive information will promote awareness and appreciation of the habitats at the subject site.</p> <p>In order to minimise the potential for impacts on Threatened and significant species or their habitats during clearing operations a number of measures will be implemented:</p> <ul style="list-style-type: none"> <li>Building envelopes must be clearly marked with stakes prior to any clearing activity. The building envelopes must be subject to ground-truthing by a qualified ecologist to determine that any clearing required has been minimised. Any trees to be cleared must be clearly marked with flagging tape or paint to ensure the correct trees are felled. Where possible individual Koala feed trees will be retained within these areas;</li> <li>All other clearing, such as that required for roads and utilities for example, is to be subject to pre-clearing surveys and ground-truthing performed by a qualified ecologist that has knowledge and experience of Koala activity, habitat and assessment; and</li> <li>In order to minimise the impacts on the habitats prior and during the clearing, the boundaries of the construction areas will clearly marked for the machinery operators. No clearing would occur outside these boundaries. All trees cleared in the construction areas would be felled away from the adjoining vegetation communities, back into the proposed development areas.</li> </ul> <p>Before undertaking any works, clearing contractors will be clearly informed of the sensitive nature of the surrounding habitats through a work induction program.</p> <p>It is proposed to conduct fauna surveys prior to the clearing operations, commonly referred to as 'Pre-clearing surveys'. These surveys target particular Threatened species known or potentially occurring in the area and attempt to identify critical sites for these species. If critical habitat sites are located, appropriate impact mitigation measures will be undertaken according to the type of site and species concerned.</p> <p>The proposed pre-clearing surveys would entail habitat searches including searches for nest, roost and den sites, searches for the Koala, and Koala scat searches for identification of feed</p>

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	<p>trees.</p> <p>If a Koala is observed in a tree planned for removal, clearing will be postponed until the individual has vacated the area. If any nest sites of the Threatened birds such as the Powerful Owl, Masked Owl or Square-tailed Kite are located within 50 m of the clearing area, all works should immediately cease, the nest monitored and reported to DEC. Clearing should then only recommence after the fledging of the young.</p> <p>A combined stagwatching and Anabat survey would be conducted on any hollow bearing trees to identify any potential Microchiropteran roost sites occurring within the clearing area, for a period of two nights per tree, prior to clearing. If a roost is located within an area to be cleared, it will be removed and resited if possible. If the site is suspected to be a maternity colony, further investigations will be undertaken using an Infra-red lipstick camera and video system. If the site is then found to be a maternity colony, clearing will cease and monitoring of the site will be initiated. The clearing would only recommence only after the young or colony has vacated the site.</p> <p>During all clearing operations, a qualified ecologist will be present to check any trees felled for wildlife inhabiting these trees. If any animals are found to be injured during these operations, the animal will be captured and forwarded to local wildlife carer organisations for rehabilitation. Once rehabilitation has been achieved the individual will be released into habitats adjoining the capture site, and if appropriate, into shelter sites appropriate for that species (ie. nestboxes).</p> <p>It is recommended that all development applications for individual dwellings in the Tinonee Rural residential development (Lots 53 &amp; 54 DP 836998 and Lot 156 DP 753202, The Bucketts Way) are assessed in accordance with the recommendations of this report as summarised below;</p> <ul style="list-style-type: none"> <li>(a) <i>Minimise the removal or degradation of native vegetation within High Koala activity areas.</i></li> <li>(b) <i>Minimise the removal of any individuals of preferred koala food trees where ever they occur on a development site.</i></li> <li>(c) <i>Make provision, where appropriate, for restoration or rehabilitation of areas identified as Koala Habitat including movement corridors over mainly cleared land. In instances where Council approves the removal of koala habitat and where circumstances permit, this is to include measures which result in a net gain of koala habitat on the subject site and/or adjacent land.</i></li> <li>(d) <i>Make provision for long term management and protection of koala habitat</i></li> </ul>

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	<p><i>including both existing and restored habitat.</i></p> <p>(e) <i>Not compromise the potential for safe movement of Koalas across the subject site</i></p> <p>(f) <i>Be restricted to identified envelopes which contain all buildings and infrastructure. Generally there will be no clearing on the subject site outside these envelopes.</i></p> <p>(g) <i>Include measures to effectively minimise the threat posed to Koalas by dogs, motor vehicles and swimming pools</i></p> <p>Any development application should appropriately address the recommendations of this report and be accompanied with the following information.</p> <ul style="list-style-type: none"> <li>A survey plan showing the proposed building or other structure which clearly identifies all trees to be removed for the development or associated clearing activities such as the provision of Bushfire Asset Protection Zones. These trees should be labelled in the field with a metal tag or similar which corresponds to a tree number shown on the survey plan. Information on each tree should accompany the plan including tree species DBH and any obvious hollows;</li> <li>A Koala assessment undertaken by an appropriately qualified and experienced ecologist of all trees proposed for removal. This survey should include scat and scratch searches of all trees to be removed;</li> <li>Provision of an ecological assessment report which outlines the results of the surveys, describes the impacts in terms of Primary and secondary tree species loss and potential impacts of hazardous structures; and</li> <li>Provide information on any mitigation or ameliorative measures proposed including details on compensatory plantings.</li> </ul> <p>An Osprey nesting platform will be erected in the location fronting the Manning River as approved by Dr Stephen Debus. The existing nest will be relocated to the new platform and the existing tree felled.</p>
Noise	<ul style="list-style-type: none"> <li>Construction is to occur in Council approved hours</li> <li>No truck haulage outside of normal working hours.</li> <li>Avoid compression braking in proximity of residences.</li> <li>Cover loads, ensure all tailgates are secured to eliminate rattling noises.</li> </ul>
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> <li>The identified locations highlights as "Areas to monitor by Simon and Leon (2007) be notified to Purfleet-Taree Local Aboriginal Land Council's Culture and Heritage Unit, prior to commencement of land clearing operations.</li> <li>Should any items of indigenous cultural heritage be uncovered during the project, work</li> </ul>

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	<p>in the area would cease immediately and the area cordoned off. A representative of the Forster LALC and a NPWS representative would be contacted to provide advice regarding appropriate action.</p>
Traffic	<ul style="list-style-type: none"> <li>• A bus stop is to be located outside the main site entry on both sides of the road, with a bus shelter adjacent to the site side of the road only.</li> <li>• A bicycle parking facility is to be provided adjacent to the bus shelter.</li> <li>• The internal road layout will be designed in accordance with Council's Rural Residential design requirements taking into account intersection controls, pedestrian requirements and road geometry requirements such as carriageway width.</li> <li>• The layout of the main access/Bucketts Way intersection will be designed in accordance with RTA and Council requirements, taking into account the traffic flows and the speed environment. The layout of this proposed access will be a minimal rural treatment (Type AUR intersection), with a sheltered right turn lane for traffic accessing the site.</li> </ul>
Road Construction	<ul style="list-style-type: none"> <li>• A waterproof seal for the pavement materials and adequate surface and subsurface drainage of the pavement and adjacent area will be provided.</li> <li>• Where new pavements are joined to existing pavements (ie. intersection with the Bucketts Way), an intra-pavement drain will be provided at the interface between any sections of new and existing pavements. Intra-pavement subsoil drains will be in accordance with RTA QA Specification R37 or equivalent and will penetrate to the subgrade or to the base of any replaced subgrade material. Consideration will also be given to sealing any crack that may develop between existing and new pavements.</li> <li>• Subgrade preparation for pavement formation for new pavements will comprise:</li> <li>• Removal of topsoil and excavation (where required) to subgrade formation level, with the spoiling of any deleterious material;</li> <li>• Ripping of any weathered rock exposed at subgrade formation level to a minimum depth of 300mm below subgrade formation level;</li> <li>• Proof rolling of the exposed subgrade with a heavy (minimum 10 tonne static) roller. Soft or weak areas detected during the proof rolling will be excavated and replaced with compacted fill/subgrade replacement;</li> <li>• Compaction of the subgrade to achieve a minimum dry density ratio of 100% Standard;</li> <li>• Placement and compaction of embankment filling (where required) to 95% Standard (AS 1289 5.1.1) with a moisture range of 70% to 100% of the Standard optimum moisture content, with the compaction of the upper layer of embankment fill at subgrade formation level to a minimum dry density ratio of 100% Standard; and</li> <li>• Formation of the pavement in accordance with the above recommendations and</li> </ul>

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	<p>specifications.</p> <ul style="list-style-type: none"> <li>Where rock is exposed at subgrade formation level, subgrade preparation will include ripping of the exposed rock subgrade to a minimum depth of 300mm below subgrade formation level and compaction of the ripped rock subgrade to achieve a minimum dry density ratio of 100% Standard. Any abrupt changes between subgrade conditions, eg, transition from rock subgrade to soil subgrade, will be eliminated during subgrade preparation. This will involve subgrade preparation practices such as selective grading or mixing of material to provide a transition between material types and moisture/density control of subgrade compaction.</li> <li>Gare will be taken in the choice of compaction equipment and methods where pavement construction is to be undertaken in the vicinity of the existing residential development. Observation and monitoring of existing adjacent residences for any signs of distress should be undertaken in conjunction with proof rolling and compaction of the subgrade and pavement materials.</li> <li>Any land required to accommodate the proposed intersection works shall be dedicated as public road reserve at no cost to Council or the RTA.</li> <li>All works shall be undertaken at the full cost of the developer to the satisfaction of Council.</li> </ul>
Building Design	<ul style="list-style-type: none"> <li>House Design Guidelines, including a colour palette will be prepared prior to the release of the stage one subdivision and submitted to Council for approval. These Guidelines will be provided in the original contract for sale of the lots.</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>Environmental Management Strategy prepared incorporating details of all proposed safeguards and mitigation measures.</li> </ul>