

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

#### MAJOR PROJECT NO. 06\_0090

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

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

- (1) 33 Torrens Title residential lots (Lots 1-33);
- (2) 1 lot to be dedicated to Shoalhaven City Council, to include riparian zone, asset protection zone and ecologically sensitive land (Lot 35);
- (3) 1 lot to be dedicated to Shoalhaven City Council for the proposed North Nowra Link Road (Lot 34); and
- (4) 2 new access roads (perimeter road and internal road) and associated civil works.

##### **A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated January 2007 prepared by Watkinson Apperley Pty Limited including all Appendices and the following drawings:

<b>Survey Drawing prepared by Watkinson Apperley Pty Limited at Attachment 3 of the Environmental Assessment</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
101591 – 05/125		Proposed Subdivision of Portions 118 & 119 Parish of Bunberra	16 October 2006
<b>Landscape Drawing prepared by W.H. &amp; G. Smit Landscape Architects at Attachment 11 of the Environmental Assessment</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
2526 – LD 1		Landscape Master Plan Proposed Subdivision	24 November 2006

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in Shoalhaven Local Environmental Plan (LEP) 1985 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.

##### **A3 Development in Accordance with Documents**

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

- (1) *Environmental Assessment Report* prepared by Watkinson Apperley Pty Limited on behalf of Evelution Pty Ltd, dated January 2007;
- (2) *Bushfire Protection Assessment*, prepared by Bushfire+Environmental Services, dated November 2006 (appendix 3 to *Environmental Assessment*);
- (3) *Flora and Fauna Assessment*, prepared by Bushfire+Environmental Services, dated November 2006 (appendix 4 to *Environmental Assessment*);
- (4) *Stormwater Masterplan*, prepared by Storm Consulting Pty Ltd, dated October 2006 (appendix 5 to *Environmental Assessment*); and,
- (5) *Aboriginal Heritage Assessment*, prepared by Navin Officer Heritage Consultants Pty Ltd, dated March 2006 (appendix 6 to *Environmental Assessment*).

#### **A4 *Inconsistency between documents***

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

#### **A5 *Lapsing of Approval***

In order to ensure the orderly development of land, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval.

#### **A6 *Prescribed Conditions***

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

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

#### ***Design Details and Changes***

##### **B1 *Design Modifications***

In order to create a seamless transition between the existing development and the new subdivision and in order to limit vehicular access, the design of the subdivision (both lot layout plan and landscape plan) shall be amended as follows:

- (1) The cul-de-sacs at the access from Sutherland Drive and Warren Avenue to the proposed subdivision are to be deleted;
- (2) The bush side of the circulation road for the full frontage of the reserve is to be provided with bollards to prevent vehicular access;
- (3) The bioswales are to be protected from vehicular traffic by bollards.

Details shall be submitted to and approved by the Council prior to the issue of a Construction Certificate.

#### ***Site Investigations and Analysis***

##### **B2 *Stage 2 Detailed Investigation***

Prior to the commencement of construction works, a Stage 2 Detailed Investigation, including further field investigations and laboratory testing shall be prepared and submitted to the Department for approval.

The Stage 2 Detailed Investigation shall include 2 additional test bores along the northern edge of the subject site and 1 additional leachate sample to be obtained from downstream of

the leachate pond. The 2 test bores will be tested against the 2 leachate samples, 1 from the leachate pond and 1 from downstream of the pond.

### ***B3 Independent Auditor Report***

Should the results of the Stage 2 Detailed Investigations indicate remedial works to the site are necessary, the proponent shall prepare a Remedial Action Plan and must be accompanied by a statement from a site auditor accredited by the Department of Environment and Climate Change (Environmental Protection Agency) to issue site audit statements. The Remedial Action Plan shall be submitted to the Director prior to commencement of construction works.

Upon completion of any necessary remediation works on the site, the proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Director. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Department of Environment and Climate Change (Environmental Protection Agency) to issue site audit statements.

### ***Soil and Vegetation Management***

#### ***B4 Vegetation Management Plan***

Prior to the commencement of works, a Vegetation Management Plan must be prepared and submitted to and approved by Council. The Plan must address protective measures during the construction phase, potential impacts of the adjoining residential development and means of control, weed removal, revegetation, threatened species protection (especially *Acacia subtulinervis* and *Leptospermum sejunctum* specimens on Lot 35 and trees incised by the Yellow-Bellied Glider and trees with hollows throughout the site), habitat creation, propagation, translocation and strategies for public access to the area.

#### ***B5 Erosion and Sedimentation Control***

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

#### ***B6 Soil and Water Management Plan***

In order to protect the adjoining land and downstream water quality from sedimentation, a Soil and Water Management Plan (SWMP) is to be prepared by a suitably qualified and experienced consultant. The SWMP is to detail the sediment and erosion control measures to be implemented during the various phases of the construction of the proposed development and is to be submitted to and approved by the Certifying Authority and must incorporate a plan to scale of 1:500 or larger and necessary supporting information. The following information is to be included in the SWMP:

- 1) Site survey which identifies contours and approximate grades and direction(s) of fall;
- 2) Locality of site and allotment boundaries;
- 3) Location of adjoining road(s) and all impervious surfaces;
- 4) Location of the site within its catchment(s) including an estimate of flows through the site;
- 5) Existing vegetation and site drainage;
- 6) Nature and extent of clearing, excavation and filling;

- 7) Diversion of run-off around disturbed areas;
- 8) Location and type of proposed erosion and sediment control measures;
- 9) Location of site access and stabilisation of site access;
- 10) Location of material stockpiles;
- 11) Location and engineering details with supporting design calculations for all necessary sediment retention basins;
- 12) Location and concept plans of any proposed constructed wetlands, gross pollutant traps, trash racks or trash collection/separator units;
- 13) Proposed site rehabilitation and landscaping;
- 14) Detailed staging of construction works (breaking down of catchment disturbed); and,
- 15) Maintenance program for erosion and sediment control measures.

All design criteria and calculations used to size sediment and erosion control measures should be shown, and construction standard drawings are to be provided on each type of sediment and erosion control measure proposed.

### ***Construction Management***

#### ***B7 Construction Management Plan***

Prior to the issue of a Construction Certificate, 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 B8 below),
- (4) noise and vibration management (see also B9 below),
- (5) waste management (see also B11 below),
- (6) erosion and sediment control (see also B5 above),
- (7) flora and fauna management (see also D5 below), and

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

#### ***B8 Traffic & Pedestrian Management Plan***

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian 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) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and,
- (4) pedestrian and traffic management methods.

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

## ***B9 Noise and Vibration Management Plan***

Prior to the issue of a Construction Certificate, 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) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (10) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and,
- (11) 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 Council.

## ***B10 Offensive Noise***

The operation and use of any machinery, plant and/or equipment within, on or in connection with the construction of the subdivision works is to be carried out so as to not cause transmission of vibration to any adjoining occupancy: or 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

N.B. Equipment may not be used between the hours of 8pm to 7am weekdays and 8pm to 8am on Saturdays and public holidays or at all on Sundays.

## ***B11 Green Waste Management***

A Waste Minimisation and Management Plan (WMMP), including the disposal of green waste must be prepared in accordance with Council's DCP No.93 – Waste Minimisation and Management. The WMMP must be prepared by a suitably qualified person and submitted to and approved by the Certifying Authority.

N.B. "Waste" has the same meaning as the definition "waste" in the Protection of Environment Operations Act, 1997.

## ***B12 Construction Waste Management Plan***

Prior to the issue of a Construction Certificate, 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 Development Control Plan. The Proponent shall submit a copy of the plan to the Department and Council.

## **Monetary Contributions**

### **B13 Monetary Contributions**

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

#### **(1) Amount of Contribution**

<b>Contribution Category</b>	<b>Rate of Contribution</b>	<b>Amount</b>
Tennis, Football, Cricket (area1)	\$2027.00 per ET	\$66,891.00
Basketball & Netball (areas 1 & 2)	\$406.66 per ET	\$13,419.78
Multi-purpose Child Care Centre – North Nowra	\$147.43 per ET	\$4861.89
Community Hall - North Nowra	\$97.76 per ET	\$3226.08
Community Centre Nowra – Nowra District Community Centre	\$256.11 per ET	\$8451.63
Nowra District Integrated Youth Services Centre	\$55.42 per ET	\$1828.86
Illaroo – Fire Control	\$42.50 per ET	\$1402.50
City Wide – Fire Control/State Emergency Services	\$29.77 per ET	\$982.41
North Nowra Link Road, Bridge and Traffic Facilities	\$1574.22 per ET	\$51,949.26
Hockey Facilities	\$262.12 per ET	\$8649.96
Shoalhaven City Library Extensions	\$243.11 per ET	\$8022.63
Shoalhaven City Arts Centre	\$21.99 per ET	\$725.67
Shoalhaven Mobile Children's Services	\$7.21 per ET	\$237.93
Shoalhaven Multi-purpose Cultural and Convention Centre	\$550.19 per ET	\$18,156.27
Section 94 Administration	\$366.00 per ET	\$12,078.00
Embellishment of Icon and District Parks Walking Tracks	\$140.96 per ET	\$4651.68
Northern Shoalhaven Integrated Children's Services, Cnr Osborne & Worrigea Street, Nowra New Project	\$39.44 per ET	\$1301.52
Northern Shoalhaven Community Transport and Family Support Services, Park Road, East Nowra, New Recoupment Project	\$11.30 per ET	\$372.90
<b>TOTAL</b>		<b>\$207,209.97</b>

## **(2) Timing and Method of Payment**

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

Evidence of the payment to Shoalhaven City Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for subdivision works.

## **(3) Indexing**

The contribution for land will be adjusted in accordance with the latest annual valuations.

## ***Subdivision Works***

### ***B14 Stormwater and Drainage Works Design***

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the PCA prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

### ***B15 Inter-allotment Drainage***

The inter-allotment drainage lines are to be designed and contained within a standard drainage pipe (i.e. not a slotted pipe). A slotted pipe can be laid in the same trench to assist the flow of sub-soil water.

### ***B16 Rock Lined Channel***

The rock lined channel is to be designed to cater for the 100 year flood level.

### ***B17 Maintenance Bonds - Drainage***

Prior to issue of Construction Certificate, a maintenance bond with a maintenance period of three years is to be imposed on the stormwater drainage system. The maintenance bond must be provided to Council and at a minimum must cover the bioswales and the rock lined channel.

### ***B18 Road Damage Bond***

Prior to issue of Construction Certificate, a road damage bond is to be imposed on the existing road network. The bond amount is to be determined in consultation with Council. The road damage bond must be provided to Council prior to issue of Construction Certificate.

### ***B19 Road Design***

All roads shall be designed in consultation with Council and with the relevant requirements of Council. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

## ***B20 Pre-Construction Dilapidation Reports***

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all buildings, infrastructure and roads within 50 metres of the boundaries of the site. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Department and Council.

## ***B21 Item of Cultural Significance – ‘JR5’***

The isolated item identified as ‘JR5’ in the Aboriginal Archaeological Assessment carried out by Navin Officer Heritage Consultants and dated March 2006 is to be either: (1) relocated away from the development area; (2) repositioned within the development area; or (3) collected by the Aboriginal community. The course of action to be taken is to be determined by the Aboriginal community. The proponent is to liaise with the Nowra Local Aboriginal Land Council (LALC) and determine the course of action to be taken. The written confirmation of the Nowra LALC as to the course of action to be taken with regard to ‘JR5’ is to be obtained and a copy of this advice supplied to the Department.

Note: This condition supersedes the Commitment specified in Section 5, dot point 1 of the Statement of Commitments in Schedule 3 of this Determination.

## ***Compliance***

### ***B22 Compliance Report***

Prior to the issue of a Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this Part.

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

### ***Excavation Works***

#### ***C1 Notice to be Given Prior to Excavation***

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

#### ***C2 Contact Telephone Number***

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

## ***Compliance***

### ***C3 Compliance Report***

Prior to the commencement of works, the Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this Part.

## **PART D—DURING CONSTRUCTION**

### ***Site Maintenance***

#### ***D1 Erosion and Sediment Control***

All erosion and sediment control measures, as designed in accordance with Condition B5 and B6, 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.

#### ***D2 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.

#### ***D3 Storage of Green Waste***

Green waste from the development site should not be stored in a manner that causes a risk of accidental or intended fire. Large piles of chipped green waste should be avoided as these can build up heat during the decomposition process and cause the pile to smoulder. Freshly chipped green waste from the site (excluding weeds) should be spread evenly across the cleared site to a depth of 100mm. Should large piles of green waste are to be stored on site, they should be turned regularly enough in order to dissipate excessive heat.

#### ***D4 Disposal of Green Waste***

Green waste from the development site should be disposed of in an environmentally friendly manner, such as by way of chipping or mulching for use in landscaping either on-site or for sale. Alternatively, the waste may be disposed of to an authorised waste disposal facility, all receipts from the waste disposal facility should be retained. Green waste from the development site must not be disposed of by means of burning. Disposal must be in accordance with the Waste Minimisation and Management Plan (WMMP) referred to in Condition B11.

N.B. "Waste" has the same meaning as the definition "waste" in the Protection of Environment Operations Act, 1997.

### ***Fauna Management***

#### ***D5 Protocols for Trees With Hollows***

Trees with hollows to be felled during the construction phase will be felled in accordance with the following procedures:

- 1) Felling will be supervised by a fauna specialist appropriately licensed under the NSW National Parks and Wildlife Act 1074, for the purpose of rescuing displaced fauna;
- 2) The fauna specialist will be suitably attired with protective clothing and have suitable equipment to undertake the work. A "Green Card" from an Occupational Health and Safety Induction Training Course for Construction Work will also be held by the fauna specialist, who may also need to be suitably vaccinated (especially if there is potential for handling bats);
- 3) An appropriately skilled local wildlife carer must be notified at least 24 hours prior to the tree felling, that animals may be captured and that these animals may need care;

- 4) Any non-hollow bearing trees around those with tree hollows to be felled will be removed first. At least 1 day will be left between clearing of the non-hollow-bearing trees and the hollow bearing trees to allow fauna time to vacate the trees;
- 5) Prior to felling of the identified and marked hollow-bearing trees, the trees will be shaken or nudged by tree felling equipment to encourage any fauna to vacate the trees;
- 6) If no animals emerge from the hollows after shaking or nudging, then the tree will be felled and lowered to the ground if possible;
- 7) If an animal emerges from a hollow following shaking or nudging of the tree, then at least 30 minutes will be allowed for the animal to leave the tree. If the animal comes to the ground, or when it is on the lower trunk, attempts will be made to capture the animal using a net. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process;
- 8) Captured animals will be placed in individual bags unless they are a family group to which separation would risk the survival of the young (i.e. lactating female with young);
- 9) Once the tree has been felled, a search will be made of the branches around the tree for any fleeing fauna and hollows should be inspected with a torch for the presence of any animals. Attempts will be made to capture any fleeing fauna with a net, and animals inside hollows should be extracted by hand. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process;
- 10) Injured, shocked or immature captured animals will be placed in a cotton bag secured at the top. Bags will be wrapped in appropriate insulating material such as blankets and placed in a quiet, warm and preferably dark place until the wildlife carer can collect them. Details on the location of the capture and proposed release areas will be provided to the wildlife carer; and,
- 11) Uninjured animals will be released in appropriate habitat as soon as practicable (at night for nocturnal species).

## ***Construction Management***

### ***D6 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.

### ***D7 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 Principal Certifying Authority and the Civil 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.

#### **D8 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.

#### **D9 Protection of Trees – On-site Trees to be Retained**

Prior to commencement of any clearing or construction works, the drip-line/root zone surrounding trees to be retained must be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance/compaction of roots, or soil build-up around the base of the tree. Such protection measures are to be maintained until such time as a subdivision certificate has been issued. The parking of machinery, vehicles or the storing of building or landscaping materials, soil, spoil or rubbish within the fenced area around trees to be retained is prohibited.

#### **D10 Dust Control Measures**

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

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

#### **Noise and Vibration**

##### **D11 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.

### ***D12 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  $L_{A90}$  noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5<sup>th</sup> week to the 26<sup>th</sup> 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).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. 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.

### ***D13 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.

### ***D14 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.

### ***D15 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***

### ***D16 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects***

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Environment and Climate Change (DECC) and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the DECC to cease work for the purposes of archaeological recording.

## **PART E—PRIOR TO SUBDIVISION**

### ***Cultural Heritage Management***

#### ***E1 Cultural Heritage Management Plan***

A Cultural Heritage Management Plan (CHMP) must be prepared by a recognised consultant in the field of cultural heritage management for the on-going management of Lot 35 once construction activities cease. This CHMP is to be prepared by the proponent and in close consultation with Council, the Nowra Local Aboriginal Land Council (NLALC) and the Department of Environment and Climate Change. The CHMP is to address the various recommendations of the report by Navin Officer Heritage Consultants dated March 2006.

The CHMP is to be submitted to and approved by the Department prior to the issue of any subdivision certificate.

### ***Easements***

#### ***E2 Services***

Documentary easements for services and drainage 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*. The Council shall have the benefit of these easements and covenants and is the sole authority to release, vary or modify such encumbrances.

**E3      *Restriction as to User – Asset Protection Zone - Lot 35***

A restriction as to user is to be placed on Lot 35 requiring the on-going maintenance by Council in perpetuity of the Asset Protection Zone identified on Plan No.05/125 (ref. no.101591) and dated 16 October 2006.

**E4      *Restriction as to User – Protection of Habitat Trees***

A restriction as to user is to be placed on the title of various lots requiring the identification, protection and retention of habitat trees identified by the flora and fauna consultants and identified on Figure 4 entitled 'Location of Trees Incised by the Yellow-Bellied Glider and Trees with Hollows in the Study Area' dated November 2006 prepared by Bushfire+Environmental Services.

**E5      *Restriction as to User – Fencing Lots 29-33***

A restriction as to user is to be placed on the title of lots 29-33 stating that any new fences associated with the development of these lots are to be constructed in such a manner as to ensure that they do not impede the movement of native animals, with the bottom wire of any fence being no closer than 400mm to the ground at any point.

**E6      *Restriction as to User – Pets***

A restriction as to user is to be placed on the title of all lots in the subdivision stating that the ownership of dogs (other than by a person who is vision impaired) is to be limited to registered small dog breeds and that no domestic cats are permitted. Permitted small dog breeds are usually less than 45 cm in length, 4.5 kilograms in weight when fully grown and are suitable as an indoor pet. The restriction as to user must also specify that any dog is at all times to be kept under control and within the confines of the lot, is to be kept indoors from at least half an hour prior to sunset until at least half an hour after sunrise and that any dog must be tethered or leashed when outdoors within the confines of the lot unless accompanied by the owner or occupier.

**E7      *Restriction as to User – Brushwood Fencing***

A Section 88B restriction as to user shall be placed on all lots within the subdivision prohibiting the use of "brushwood" fencing.

**E8      *Part 4A Certificate***

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

**PART F—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**F1      *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 damage bond referred to in Condition B18, 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.

## ***Easements***

### ***F2 Registration of Easements***

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

### ***Second Dilapidation Report***

#### ***F3 Post-construction Dilapidation Report***

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to buildings, infrastructure and roads within 50 metres of the boundaries of the site.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B18, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Department and Council.

## SCHEDULE 3

MP 06\_0090

### 35 LOT RESIDENTIAL SUBDIVISION

LOTS 118 & 119 DP 751258, JAMIESON ROAD, NORTH NOWRA

### STATEMENT OF COMMITMENTS

ITEM	COMMITMENT	TIMING
1. General	The developer will carry out the development in accordance with this Environmental Assessment Report (EAR), prepared by Watkinson Apperley Pty Ltd dated December 2006, plans prepared by Watkinson Apperley Pty Ltd and supporting reports.	For the duration of the subdivision.
2. Legislative Controls/Requirements	<p>The developer will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"><li>• Shoalhaven City Council – Construction Certificates for engineering works for each stage of the subdivision. The application for Construction Certificates will contain Design Drawings submitted containing, where relevant, detailed designs relating to earthworks, drainage, Soil erosion and Sediment Control and site rehabilitation, tree clearing and site stability, roadworks, footpaths/cycleways, water supply (both potable and use of reclaimed water) and sewerage works, and landscaping;</li><li>• Shoalhaven City Council - Road Opening Permit from Shoalhaven City Council as required;</li><li>• Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993);</li><li>• Integral Energy - Design Certification;</li><li>• Integral Energy - Notification of Arrangement;</li><li>• Telstra - Compliance Certificate;</li><li>• Shoalhaven Water - Compliance Certificate; and,</li><li>• Shoalhaven City Council – Subdivision Certificates for each stage.</li></ul>	For the duration of the subdivision.



	Council and DCP 100.	
5. Aboriginal Heritage	<p>The developer will manage Aboriginal historic sites in accordance with the following:</p> <ul style="list-style-type: none"> <li>• An application will be made to the Director-General of the DEC for a combined section 87 and section 90 permit to destroy the site JR5, and to collect, and (if requested by the Aboriginal community), re-position the surface artefact away from the development area.</li> <li>• Consultation with the Nowra Local Aboriginal Land Council will continue with regards to the Aboriginal cultural heritage resource within the current study area.</li> </ul>	Prior to the issue of the Subdivision Certificate.
6. European Heritage	<p>The developer will manage European historic sites in accordance with the following:</p> <ul style="list-style-type: none"> <li>• A photographic inventory will be undertaken at all European historic sites to be affected by the proposed subdivision prior to the commencement of any construction work.</li> <li>• A “Restriction on the Use of Land” will be imposed on land east of the Lot 118 boundary on proposed Lot 33 pursuant to Section 88B of the Conveyancing Act 1919, requiring conservation and ongoing management of the European sites as identified by Navin Officer heritage consultants Pty Ltd, 2005.</li> </ul>	<p>Prior to the issue of the Subdivision Certificate.</p> <p>Prior to the issue of the Subdivision Certificate.</p> <p>Prior to the issue of the Subdivision Certificate.</p>
7. Flora and Fauna	<p>The developer will manage vegetation and habitat in accordance with the following:</p> <ul style="list-style-type: none"> <li>• Dedicate proposed Lot 35 to Shoalhaven City Council.</li> <li>• A “Restriction on the Use of Land” will be imposed on land east of the asset protection zone on proposed Lot 33 pursuant to Section 88B of the Conveyancing Act 1919 requiring vegetation and habitat management on this part of proposed Lot 33 in accordance with a Vegetation Management Plan approved by the Shoalhaven City Council.</li> <li>• A “Restriction on the Use of Land” will be imposed on proposed lots containing trees with visible hollows and trees incised by the Yellow-bellied Glider identified for retention requiring that these trees not be removed without approval from Shoalhaven City Council. Other trees will also be required for retention within 30m of trees with hollows and incised trees to sustain canopy connectivity.</li> </ul>	<p>On registration of the plan of subdivision.</p> <p>On registration of the plan of subdivision.</p> <p>On registration of the plan of subdivision.</p>

	<ul style="list-style-type: none"> <li>• Clumps of <i>Leptospermum sejunctum</i> and <i>Acacia subtilinervis</i> will be retained within the proposed asset protection zone on Lot 35 and on other affected lots, strategically located in accordance with the proposed asset protection zone specifications.</li> <li>• The asset protection zone on Lot 35 will be established and maintained with hand tools to limit disturbances to retained <i>Leptospermum sejunctum</i> and <i>Acacia subtilinervis</i> plants.</li> <li>• All trees and clumps of vegetation to be retained on proposed residential lots and in the asset protection zone of proposed Lot 35 will be identified by a suitably qualified ecologist, marked on site and located by a registered surveyor. The plan of survey for these ecological features will be legally tied to the titles of affected lots and submitted to the Shoalhaven City Council.</li> <li>• All trees and vegetation to be retained will be appropriately protected from compaction of root systems, damage to trunks, and the build-up of soil around tree bases, by appropriate work practices.</li> <li>• All vegetation to be retained will be protected from unauthorised access during the construction phase of the proposal.</li> <li>• A Vegetation Management Plan will be prepared by a suitably qualified person for the part of Lot 35 affected by asset protection zone works and for the part of Lot 33 east of the asset protection zone.</li> <li>• Perimeter roads will be located such that they adjoin retained vegetation on proposed Lot 35 wherever possible in order to provide a line of demarcation between disturbed areas and protected areas and limit unauthorised access and dumping.</li> </ul>	<p>For the duration of the subdivision.</p> <p>Prior to the issue of the Subdivision Certificate and for the duration of the development.</p> <p>Prior to the issue of the Subdivision Certificate and for the duration of the development.</p> <p>During the construction phase.</p> <p>During the construction phase.</p> <p>Prior to the issue of the Subdivision Certificate.</p> <p>Prior to the issue of the Subdivision Certificate and during the construction phase</p>
<p>8. Bushfire Risk</p>	<p><b>Provision of Asset Protection Zones</b> The developer will establish and maintain Asset Protection Zones (APZs) as outlined in Section 7.8.3 Mitigation measure 1 (Table 7.1).</p> <p>The developer will install relevant infrastructure as required, including fire hydrants.</p> <p><b>Bushfire Management Plan</b> A Bushfire Management Plan will be prepared for the management of the APZ and the</p>	<p>Prior to the issue of the Subdivision Certificate and for the duration of the development.</p> <p>Prior to the issue of the Subdivision Certificate and for</p>

	<p>management of bushfire hazard within land to be dedicated to Council (i.e. proposed Lot 34 and 35) as outlined in Section 7.8.3 Mitigation measure 2.</p> <p><b>Restriction as to User</b> The developer will impose a Section 88B Restriction as to User on the title of relevant allotments specifying a Level of Construction in accordance with Mitigation measure outlined in Section 7.8.3 as Migration measure 4.</p>	<p>the duration of the development.</p> <p>On registration of the plan of subdivision.</p>
9. Traffic and Access	<p>The developer will manage traffic and access measures in accordance with the following:</p> <ul style="list-style-type: none"> <li>• Traffic calming will be introduced by way of road design and landscape treatments at the two proposed access points.</li> <li>• Turning circle heads will be provided at each entry point for those vehicles choosing not to enter the new residential area.</li> <li>• Two roads varying in size from 16 - 20m wide will be created with the main road being a loop road, which connects to the ends of two existing residential streets (Warren Avenue and Sutherland Drive)</li> </ul>	<p>Prior to the release of the final plan of subdivision.</p>
10. Landscaping	<p>The developer will use native species, endemic to the locality in the preparation of landscaping plans, and subsequent works undertaken in conjunction with this subdivision.</p>	<p>For the duration of the subdivision</p>
11. Public Open Space	<p>The entire area zoned 7(d1) and 6(c) is proposed for dedication to Council for the purposes of riparian corridor and inclusion in the Bomaderry Creek Regional Park.</p>	<p>On registration of the plan of subdivision</p>
12. Construction	<p>The developer will prepare a Construction Management Plan for approval by Shoalhaven Council including education of workers in the approvals and conditions requiring compliance (including soil erosion and sediment controls, flora and fauna and aboriginal archaeological issues), details of the environmental management procedures during the development and measures relating to waste minimisation and management.</p>	<p>Prior to the commencement of construction and for the duration of the development.</p>
13. Infrastructure	<p><b>Roads</b> The developer will construct all roads and intersections in accordance with DCP 100 and approved Construction Certificates. The developer will provide street signs in accordance with the requirements of Shoalhaven City Council.</p>	<p>Prior to release of the release of the final plan of subdivision.</p>

	<p><b>Electricity and Telecommunications</b> The developer will provide underground power to each residential lot in the subdivision in accordance with the requirements of Integral Energy The developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with requirements of Telstra.</p> <p><b>Water and Sewer Services – Residential Allotments</b> The developer will provide reticulated water and sewerage services to each lot in the subdivision in accordance with the requirements of Shoalhaven Water</p>	
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## **ADVISORY NOTES**

### ***AN1 Compliance Certificate, Water Supply Authority Act, 2000***

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the Subdivision Certificate, and
- (3) the principal certifying authority prior to occupation.

### ***AN2 Requirements of Public Authorities for Connection to Services***

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

### ***AN3 Use of Mobile Cranes***

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### ***AN4 Movement of Trucks Transporting Waste Material***

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### ***AN5 Noise Generation***

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

### ***AN6 Application under Part 4A of the Act***

An application under Part 4A of the Act shall be submitted to the approval authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

### ***AN7 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),
- (2) An Occupation Certificate, and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Major Project No. 06\_0090 and of compliance (or a Compliance Certificate) with the conditions of that approval.

### ***AN8 Compliance with Conditions***

The Proponent will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Major Project No. 06\_0090 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the issuing of Plan of Subdivision.

### ***AN9 Remediation and Validation Report***

Following the completion of any required remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the approval authority.

### ***AN10 Noise Generation***

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

### ***AN11 Street Numbering***

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

### ***AN12 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.

### ***AN13 Temporary Structures***

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

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

### ***AN14 Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

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