
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Deputy Director-General, Development Assessment and Systems Performance as delegate for the Minister for Planning under Instrument of Delegation dated 25 January 2010, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- adequately mitigate the environmental impacts of the project and maintain the principles of ecologically sustainable development
- protect environmentally significant land
- encourage good subdivision design
- maintain the amenity of the local area.



Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Sydney, *2nd December* 2010

PART A—ADMINISTRATIVE CONDITIONS.....	3
PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	6
DESIGN DETAILS AND CHANGES.....	6
ENVIRONMENTAL MANAGEMENT.....	10
PART C—PRIOR TO COMMENCEMENT OF WORKS	12
NOTIFICATION REQUIREMENTS.....	12
SERVICES.....	12
POLLUTION CONTROL.....	12
PART D—DURING CONSTRUCTION	13
WORKS IN THE ROAD RESERVE.....	13
SITE MAINTENANCE.....	13
CONSTRUCTION MANAGEMENT	13
NOISE AND VIBRATION.....	14
EARTHWORKS.....	16
ENVIRONMENTAL MANAGEMENT.....	16
FAUNA MANAGEMENT.....	16
HERITAGE.....	17
SERVICES.....	18
PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES.....	19
RESTRICTIONS ON TITLE.....	19
EARTHWORKS.....	19
DEDICATION OF LAND.....	21
MAINTENANCE OF LOT 147 AND DRAINAGE INFRASTRUCTURE	21
SERVICES.....	21
MONETARY CONTRIBUTIONS AND CONTRIBUTIONS-IN-LIEU	22
UTILITIES.....	24

PART F ONGOING CONDITIONS 25

ADVISORY NOTES 26

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0165

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

Project approval is granted only to carrying out the development described in detail below, except for otherwise provided by the conditions of this approval or Statement of Commitments.

- (1) Subdivision to create 46 residential allotments, in two stages;
- (2) Construction of a road network including an extension of The Barbette, The Bounty, Manyana Drive and construction of a new public road;
- (3) Creation, fencing and rehabilitation of one allotment (Lot 147) (4.54ha) for ecological conservation and drainage purposes, to be dedicated to Council;
- (4) Construction of drainage infrastructure, including a bio-retention basin;
- (5) Cut and fill;
- (6) Landscaping of streets;
- (7) Creation of asset protection zones;
- (8) Construction of stormwater management measures;
- (9) Provision of services and infrastructure; and,
- (10) Removal of trees, in stages as outlined in **Condition A2**, other than those identified for retention.

A2 *Staging*

The project is to be constructed in two (2) stages generally as follows:

- (1) Stage 1 comprises:
Creation of 17 residential lots (lots 130 – 146), construction of the extension to The Barbette and The Bounty, construction of a bio-retention basin within the Endangered Ecological Communities buffer, installation of the Gross Pollutant Trap adjacent the bio-retention basin, clearing of trees within the Stage one footprint, commencement of rehabilitation in accordance with the Vegetation Management Plan, servicing of proposed lots, landscaping works and creation of Asset Protection zones.
- (2) Stage 2 comprises:
Creation of 29 residential lots (lots 101 – 129), construction of the extension of The Sunset Strip, Manyana Drive and the new loop road, clearing of trees, servicing of proposed lots, landscaping works, rehabilitation and dedication of Lot 147 and creation of Asset Protection zones.

A3 Project in Accordance with Plans

The project must be undertaken in accordance with the Environmental Assessment (Volume 1 dated June 2009, Volumes 2 and 3 dated July 2009) prepared by Watkinson Apperley Pty Ltd including all appendices as amended by the Preferred Project Report dated June 2010 prepared by Watkinson Apperley Pty Ltd and the following drawings:

Subdivision Layout Drawings prepared by Watkinson Apperley Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
03/141	-	Subdivision Layout	8 June 2010
03/141	-	Staging Plan	8 June 2010
Landscape Plans prepared by Captivate Landscape Design			
Drawing No.	Revision	Name of Plan	Date
08-132B	A	Conceptual Landscape Layout	17/06/10
Road Plans prepared by Watkinson Apperley Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
03/141	-	Proposed Road Network	8 June 2010
10/53	-	Typical Road Cross Sections	17 June 2010
Stormwater Concept Plan prepared by Watkinson Apperley Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
08/39	-	Stormwater Concept Plan	17 June 2010

except for:

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

A4 Project in Accordance with Documents

The project will be undertaken generally in accordance with the following documents:

- (1) *Environmental Assessment Report* (including all attachments and appendices) prepared by Watkinson Apperley Pty Ltd on behalf of Vacenta Pty Limited and JWA Enterprises Pty Limited, Volume 1 dated June 2009, Volumes 2 and 3 dated July 2009.
- (2) *Preferred Project Report* (including all attachments) prepared by Watkinson Apperley Pty Ltd on behalf of Vacenta Pty Limited and JWA Enterprises Pty Limited, dated June 2010.

A5 Inconsistency between Documents

In the event of any inconsistency between:

- (1) the conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- (2) the conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and,

-
- (3) any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

A6 *Owners consent*

No approval is given or implied to erect drainage infrastructure or transfer water across privately owned adjoining lands. Approval of the owners of these lands must be obtained prior to undertaking any such work or action.

A7 *Limits of Approval*

This approval shall lapse five (5) years after the date the approval is endorsed by the Minister, unless works the subject of any related application are physically commenced, on or before that lapse date.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design details and changes

B1 Hydrological assessment

A hydrological assessment shall be undertaken to identify appropriate mitigation measures to ensure the development does not change the hydrological conditions in the endangered ecological community and creek located within Lot 147. The assessment shall be approved by Council, prior to the issue of any Construction Certificate for any drainage works.

B2 Water reticulation

The water reticulation system is to be designed in accordance with Shoalhaven Water's *Water Reticulation Specification and Construction Standards* and the requirements for services outlined in section 4.1.3 of *Planning for Bush Fire Protection 2006*. The design shall be approved by Council prior to the issue of any Construction Certificate for these works and may be approved on a staged basis.

B3 Reclaimed Water Supply

If prior to the issue of any Construction Certificate for water reticulation works, Council has provided or has resolved to provide a reclaimed water supply system to Manyana, a reclaimed water reticulation system is to be provided to each residential lot. The design of the system shall be approved by Council prior to the issue of any Construction Certificate for these works and may be approved on a staged basis.

B4 Amended Landscape Plan

An amended landscape plan is to be prepared for the whole site, which is consistent with the Vegetation Management Plan (refer to **condition B14**). The proposed plantings are to be of local native species. The plan shall be approved by Council prior to the issue of any Construction Certificate involving landscape works.

The approved landscape plan shall be the basis for any future Construction Certificate applications which include landscape works.

B5 Stormwater and Drainage Works Design

Final design plans for the stormwater drainage system for the whole site are to be prepared by a suitably qualified practising professional in accordance with the requirements of Shoalhaven City Council. The hydrology and hydraulic calculations shall be based on the most appropriate methods described in the current edition of Australian Rainfall and Runoff. The design shall:

- (1) Ensure the following environmental targets are achieved for the development without the use of the riparian zone or Endangered Ecological Communities (EEC) as a treatment node: 90% reduction in the average annual gross pollutant (size >5mm) load, 80% reduction in the average annual total suspended solids load, 45% removal of Nitrogen and 60% removal of Phosphorus;
- (2) Include a 10m buffer between the edge of the EEC and the bio-retention basin;
- (3) Ensure the peak rate of runoff from the development does not exceed current condition rates of runoff for storms ranging between 1 year and 100 year ARI for a range of storm durations up to and including three hours duration;

-
- (4) Demonstrate suitable mitigation measures will be in place to ensure there will be no change to hydrological conditions in the EEC and creek (refer to **Condition B1**);
 - (5) Remove the bioswale within The Barbette;
 - (6) Be consistent with the *Stormwater Concept Plan* prepared by Watkinson Apperley and dated 17 June 2010, except as amended by any conditions of this approval;
 - (7) Ensure that the bioretention basin is offset from eastern boundary of Lot 706 DP 613881 by greater than 20m;
 - (8) Ensure that all lots which cannot drain to a street are to be provided with adequate inter-lot stormwater drainage disposal and any associated drainage easements; and,
 - (9) Ensure that no drainage infrastructure is proposed to be erected on any privately owned adjoining lands or that any water is proposed to be transferred across any privately owned adjoining lands, without the consent of the owners of that land.

The plans shall be submitted to and approved by Council prior to the issue of a Construction Certificate for any drainage works.

B6 Sewer reticulation

The proposed sewerage reticulation system shall be designed in accordance with Shoalhaven Water's requirements. Design plans for the system shall be approved by Council prior to the issue of a Construction Certificate for these works. The system may be approved on a staged basis.

B7 Acid Sulfate Soil Management Plan

The *Acid Sulfate Soil Management Plan* by Douglas Partners dated October 2007, shall be updated to contain specific commitments to actions, details of the sampling and testing regime required to inform the actions, as well as everything listed in Section 6.2 in the *Assessment Guidelines* of the *Acid Sulfate Soil Manual* (1998). The Management Plan shall be approved by Council prior to the issue of any Construction Certificate.

B8 Road construction

Final design plans of the roads shall be prepared by a suitably qualified practicing professional and in accordance with the requirements of Shoalhaven City Council. The plans shall be generally in accordance with the *Typical Road Cross Sections* prepared by Watkinson Apperley Pty Ltd as referenced in **Condition A3** and comply with the following:

- (1) The Bounty Road (from The Barbette to Manyana Drive) shall have a roadway (carriageway) width of 8m. The pavement shall:
 - (i) Be designed for traffic loading of 3×10^5 ESA's;
 - (ii) Be contained within integral upright kerb and gutter on the northern side and a concrete edge strip on the southern side; and,
 - (iii) Subsoil drainage is to be provided behind the kerb line on the high side of the road or both sides if the crossfall is neutral. Kerb returns with roads of equal or higher hierarchy are to be designed to cater for large buses.
- (2) The Barbette (commencing at the existing road to the Bounty) shall have a roadway (carriageway) width of 7m. The pavement shall:
 - (i) Be designed for traffic loading of 6×10^4 ESA's;
 - (ii) Be contained within integral upright kerb and gutter; and,
 - (iii) Subsoil drainage is to be provided behind the kerb line on the high side of the road, where ground water is required to be prevented from entering the pavement or both sides where the crossfall is neutral.

-
- (3) The perimeter road (from lot 107 to lot 111 via lot 119) shall have a roadway (carriageway) width of 8m. The pavement shall:
 - (i) Be designed for traffic loading of 6×10^4 ESA's;
 - (ii) Be contained within integral layback kerb and gutter; and,
 - (iii) Subsoil drainage is to be provided behind the kerb line on the high side of the road, where ground water is required to be prevented from entering the pavement or both sides where the crossfall is neutral.
 - (4) Sunset Strip roadway from Manyana Drive to the frontage of lots 105 and 106 and from the Bulwark to the western boundary of lots 102 & 104;
 - (i) Be designed for traffic loading of 6×10^4 ESA's;
 - (ii) Integral upright kerb and gutter is to be constructed across the frontage of lots 105 and 106 with a minimum kerb radius of 1m to the kerb and edge strip running parallel to existing lot 623;
 - (iii) Be contained within integral upright kerb and gutter on the high side and a concrete edge strip on the low side;
 - (iv) Subsoil drainage is to be provided behind the kerb line on the high side of the road, where ground water is required to be prevented from entering the pavement or both sides where the crossfall is neutral;
 - (v) The terminating end of Sunset strip adjacent to lots 102 and 104 is to be constructed as a "Y" turning head; and,
 - (vi) A suitable hardstand area is to be provided at the intersection of Manyana Drive and Sunset Strip for the standing of garbage and recycling bins from lots 105 and 106 to avoid the need for garbage truck reversing.
 - (5) All roads shall:
 - (i) Have a minimum pavement thickness of 200mm or as determined from the charts in APRG report No. 21 whichever is the greatest;
 - (ii) Be sealed with a minimum 25mm of 10mm asphaltic concrete over a prime seal;
 - (iii) Be designed to comply with *Planning for Bushfire Protection 2006*.

The plans shall be approved by Council prior to the issue of a Construction Certificate for these works.

Ownership of the section of the Crown Road Reserve, which is to contain the extension to *The Bounty*, must be transferred from the Office of Land and Property Information to Council, prior to issue of any Construction Certificate. All costs associated with the transfer shall be met by the Proponent.

B9 Filling of lots

The Proponent is to prepare a cut and fill plan for each stage. The plan shall;

- (1) Ensure Lots 101, 102 and 104 have building footprints with minimum habitable floor levels above the design 5.7m AHD coastal inundation level (as detailed in gbaCOASTAL Pty Ltd's Coastal Engineering Assessment dated 17 June 2010).
- (2) That the cumulative total of all filling is to be not more than 1.0% of the available water storage volumes in the flood stage basin.
- (3) That the ground levels adjacent to existing residential lots shall not be raised above the existing natural ground level, to protect the amenity of those lots.

The cut and fill plan shall be approved by Council prior to the issue of a Construction Certificate for each stage.

B10 Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (DIPNR) 2004 *Guideline for the Preparation of Environmental Management Plans*. The mitigation measures identified in the Statement of Commitments, the relevant technical reports (see **Condition A3**) and in these conditions are to be incorporated into the CEMP.

The Plan shall address, but not be limited to, the following matters where relevant:

- (1) Hours of work (see **Condition D7**);
- (2) Contact details of site manager;
- (3) Traffic management (see **Condition B11**);
- (4) Acid sulfate management plan (see **Condition B7**);
- (5) Noise and vibration (see **Conditions D8 – D11**);
- (6) Waste management, in accordance with the requirements of Council;
- (7) Erosion and sediment control designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom (see **Condition B12**);
- (8) Flora and fauna management via the Tree Plan of Management (See **Condition B13**); and,
- (9) Induction procedures for all site workers on measures to protect flora and fauna and Aboriginal heritage.

The CEMP shall address any other relevant requirements of this approval, including stormwater management works and the requirements of the NSW Rural Fire Service. The CEMP shall be approved by Council prior to issue of any Construction Certificate.

B11 Traffic & Pedestrian Management plan

A Traffic and Pedestrian Management plan shall be prepared by a suitably qualified person for each stage of the development. The Plan shall address, but not be limited to, the following matters:

- (1) Loading and unloading, including construction zones;
- (2) Predicted traffic volumes, types and routes; and,
- (3) Pedestrian and traffic management methods.

The plan shall be approved by Council prior to the issue of any Construction Certificate.

B12 Erosion and Sedimentation Control

A Soil and Water Management Plan must be prepared for each stage of the development. The soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom. The Soil and Water Management Plan shall ensure:

- (1) Any spoil or sediment found unsuitable for reuse shall be disposed of in accordance with the *Waste Classification Guidelines: Parts 1 and 2 (DECC 2008a)*; and,
- (2) Final sediment traps are located at all points where stormwater leaves the site or enters stormwater inlets.

The plan shall be submitted to Council for its approval prior to the issue of any Construction Certificate.

Environmental Management

B13 Tree Plan of Management

A Tree Plan of Management (TPoM) is to be prepared by a suitably qualified person. The Plan is to detail:

- (1) Existing site conditions (contours, vegetation, drainage etc.);
- (2) All existing and proposed infrastructure including underground services;
- (3) The limits of clearing (to be marked on site prior to the commencement of clearing);
- (4) The number and location of nest boxes in Lot 147 (to be placed at a rate of 1:1 for every hollow removed, equivalent to hollow size and maintained until suitable hollows develop);
- (5) 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 that proper management of any affected fauna, in accordance with Department of Environment, Climate Change and Water's Translocation Guidelines (DECCW), can be effectively managed (see **Condition D17**);
- (6) The means of protecting trees and vegetation nominated for retention during construction of all works; and,
- (7) All measures outlined in the Statement of Commitments.

The Tree Plan of Management is to be submitted to Council for approval prior to the issue of any Construction Certificate.

B14 Vegetation Management Plan

The proponent shall prepare a Vegetation Management Plan (VMP) in accordance with DWE's *How to Prepare a Vegetation Management Plan (version 7)* for the vegetation within Lot 147. The VMP is to be written by an appropriately qualified and experienced ecologist and shall include:

- (1) The mechanism by which the regeneration area will be delivered;
- (2) Specific environmental objectives (which is to include objectives to achieve sound naturalised watercourse and long term riparian area stabilisation and management);
- (3) The measurable environmental outcomes that will be achieved;
- (4) Gantt chart or similar clearly outlining the activity, costing and timing of vegetation management actions (refer to **Condition E8**);
- (5) Monitoring and review details;
- (6) Details of an appropriate ecological fire regime (in consultation with the RFS);
- (7) Details for the control of feral and domestic animals, as well as diseases such a *Phytophthora cinnamomi*;
- (8) Nest box location and the period and method of ongoing management of nest boxes, including six monthly inspections to ensure that nest boxes are not occupied by rodents and the like, until all construction works are completed and in accordance with Condition E8;
- (9) Specifications for ongoing protection of the vegetation from impacts associated with adjacent residential areas (including human visitation);

-
- (10) Mapping and photographs of vegetation condition/weed cover as a baseline from which site rehabilitation/management can be measured;
 - (11) Educational/regulatory style signage;
 - (12) Measures to ensure cleared vegetation is not pushed onto adjacent bushland; and,
 - (13) Plant matter that is cleared from the site is to be chipped and mulched on site, during normal working hours, then re-used within the subdivision. Vegetation that is removed may also be used to establish natural barriers, habitat and as sediment traps.

A bush regeneration plan including:

- (14) A requirement to retain all standing and fallen timber within the Endangered Ecological Communities;
- (15) Details on how weeds will be controlled;
- (16) Details on the supplementary planting of local indigenous native vegetation species;
- (17) The period and methodology for bush regeneration (bush regeneration is to be tailored to restore degraded structural and floristic elements of the existing vegetation, reduce edge effects and improve the condition of habitat for threatened species); and,
- (18) Performance criteria by which compliance will be measured for the implementation of the above.

The proponent is to undertake vegetation rehabilitation and maintenance work as part of the VMP starting at commencement of construction within **Stage 1** and finishing 3 years following the registration of the plan of subdivision for **Stage 2**. The vegetation and rehabilitation works undertaken for **stage 1**, shall consist of works undertaken to repair the area affected by the construction of the bioretention filter basin.

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

All vegetation rehabilitation is to be supervised by an appropriately qualified and experienced person with, as a minimum, qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration and 4 years bush regeneration experience.

The VMP is to be approved by Council prior to issue of any Construction Certificate.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement/ Excavation

- (1) 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.
- (2) The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

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.

Services

C3 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

Pollution Control

C4 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the project, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

PART D—DURING CONSTRUCTION

Works in the Road Reserve

D1 Approval for work within the Road Reserve – Section 138 Roads Act

Prior to undertaking any works within a road reserve, approval of the Council must be obtained under Section 138 of the Roads Act. The following must be submitted to Council to obtain the s.138 approval:

- (1) Any pavement design required by this consent;
- (2) Traffic control plan to provide protection for those within and adjacent to the work site, including vehicular and pedestrian public;
- (3) Insurance details; and,
- (4) Name and contact information of the person/company to supervise the construction;

Site Maintenance

D2 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with **Condition B12**, 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.

D3 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

D4 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and Statements of Commitments 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.

D5 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.

D6 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.

D7 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

D8 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; and,
- (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.

D9 Construction Noise Objective

- (1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- (2) Background noise levels are those identified in the approved Construction Environmental Management Plan (**Condition B12**). The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Environmental Management Plan.
- (4) 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.

D10 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:
 - (1) 9.00 am to 12.00 pm, Monday to Friday;
 - (2) 2.00 pm to 5.00 pm Monday to Friday; and,
 - (3) 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.

D11 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

D12 Road reserve to be kept clear of debris

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

D13 Access – Adjacent properties

All construction work is to be carried out so that at any time, adjoining property owners are not deprived of an all weather access or subjected to additional storm water runoff during the period of construction.

Earthworks

D14 Fill

Any fill imported for use on the site shall be certified in writing by a suitably qualified and experienced person as clean and suitable for residential development prior to any fill being placed onsite.

Environmental Management

D15 Operation of the Tree Plan of Management

All recommendations of the TPoM (**Condition B13**) are to be implemented prior to and during construction of the subdivision.

D16 Endangered Ecological Community management

All recommendations of the Vegetation Management Plan (**Condition B14**) are to be implemented prior to and during construction of the subdivision.

Fauna Management

D17 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 1974*, for the purpose of rescuing displaced fauna;
- 2) The fauna specialist will be suitably attired with protective clothing and have suitable equipment and training to undertake the work;
- 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).

Heritage

D18 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, 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.

D19 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- (1) If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment, Climate Change and Water (DECCW) must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of DECCW
- (2) If during construction works human remains are uncovered all works in the areas is to cease, and the proponent shall notify both the NSW Police and the DECCW. Arrangements for handling human remains are, in part, governed by legal provisions as laid down in the Coroners Act, by Police regulations and policies and in the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

D20 Fence design

To encourage rehabilitation of the EEC, the proponent shall provide the following at the conclusion of civil works for Stage 2:

- (1) Bollards (or equivalent) on the western boundary of Lot 147, between Lot 683 DP 568678 and Lot 706 DP 613881;
- (2) Bollards (or equivalent) on the north-western boundary of Lot 147, between Lot 684 DP 568678 and the start of Lot 105;
- (3) A fence adjacent to the common boundary which Lots 102, 104 and 105 have with Lot 147; and,
- (4) Bollards (or equivalent) on the eastern boundary of Lot 147, adjacent to Sunset Strip.

The bollards (or equivalent) shall be designed to prevent vehicular access to Lot 147, with the exception of access for infrastructure maintenance/servicing and emergency services.

At the completion of installation of the fence/bollards the proponent shall provide keys (or the like) to Integral Energy and Council and any other authority that requires access to Lot 147.

Services

D21 Water and Utilities – Bushfire Protection

Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bushfire Protection 2006.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES

E1 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* for each stage of the subdivision.

Restrictions on Title

E2 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
 - a. A positive covenant is to be placed on the title of all residential lots requiring each future dwelling to provide a (at a minimum) 5KL rainwater tank that will capture the stormwater collected from the roof of future dwellings. The rainwater tank shall be designed to collect the majority of roof runoff and store it for irrigation, clothes washing and toilet flushing purposes.
 - b. A positive covenant is to be created over all residential lots requiring each future dwelling to comply with the recommendations in the *Visual Impact Study* by Maurice Hayler & Associates dated September 2008.
 - c. A restriction as to user over lots 102, 104 -107, 111-123, 129 – 137 and 145 - 146 allowing for the creation and maintenance of the Bushfire Asset Protection Zones as identified on Plan 03/141 Subdivision Layout dated 8 June 2010 and requiring the ongoing management as an inner protection area as outlined in *Planning for Bushfire Protection 2006*.
 - d. A restriction shall be placed on all lots within the subdivision which specifies that they cannot be sold until they are hazard reduced with vegetation managed as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service document, *Standards for asset protection zones*.

Earthworks

E3 Retaining Walls

Any retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application for each

affected staged of the subdivision and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

E4 Geotechnical Report-Filling

The proponent shall arrange for all fill to be placed in accordance with the standards specified in Table 5.1 of AS3798 1990 "Guidelines on Earthworks for Commercial and Residential Developments".

Prior to the issue of the Subdivision Certificate, the Applicant shall submit a report from a suitably experienced Geotechnical Testing Authority confirming that all filling complies with the above minimum standard. The inspection and testing shall be at the responsibility level set out below, as defined in Appendix B of AS 3798-1990.

Fill Area	Responsibility Level
Water retaining embankments	1
Road embankments (greater than 2m high)	1
Road embankments (less than 2m high)	2*
Residential allotments	1

* Level 1 may be used if desired by the applicant.

E5 Certification

A Certificate issued by the Geotechnical Engineer is to be lodged with Council at the time a Subdivision Certificate/s is applied for, for those stages requiring fill, certifying that the fill materials, when placed in accordance with the Geotechnical Specification, will be suitable for future residential development and are in accordance with AS2870.

E6 Compliance Certificate

Prior to the application for a Subdivision Certificate for each stage of the subdivision a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate - Roads
- b) Compliance Certificate - Water Reticulation
- c) Compliance Certificate - Sewerage Reticulation
- d) Compliance Certificate - Drainage

E7 Works -as-Executed Plans

Works -as-Executed Plans certified by a consulting engineer/surveyor shall be submitted to Council for its records upon completion of works and prior to the release of the plan of survey showing the following:

- a) Location, invert levels, finished surface levels and sizes of drainage pipes, pits, headwalls (including interallotment drainage) and culverts;
- b) Location, invert levels, finished surface levels and dimensions of detention basins, swales and open channels;
- c) Location, invert levels, finished surface levels and dimensions of permanent stormwater quality improvement devices; and,

-
- d) Where the grade is less than 1% invert levels every 5m for kerb and gutter works and roadways contours at kerb returns.

Dedication of Land

E8 Dedication of Endangered Ecological Community (Lot 147)

- (1) The proponent shall make necessary arrangements for the dedication of Lot 147 when rehabilitation of the Lot has been completed in accordance with the Vegetation Management Plan to the satisfaction of Council. The dedication shall occur at the time of registration of the linen plan for Stage 2.
- (2) The proponent shall provide Council with the VMP records of work undertaken within Lot 147 at the time of dedication.
- (3) The proponent shall prepare a maintenance funding plan which addresses the cost of ongoing maintenance of Lot 147 to the satisfaction of Council prior to dedication of the Lot. The plan shall identify any additional works required and apportion appropriate funds.
- (4) In the event that agreement cannot be reached regarding the details of the maintenance funding plan in (3) above, the Proponent shall refer the matter to the Director-General for resolution.

E9 Dedication of Internal Roads and drainage network

- (1) The proponent shall construct and make the necessary arrangements for the dedication of all roads. The dedication shall occur at the time of registration of the linen plan.
- (2) The Proponent shall dedicate to Council the drainage network and infrastructure upon registration of the plan of subdivision for each stage of the subdivision.

Maintenance of Lot 147 and drainage infrastructure

E10 Maintenance Period

- (1) The Proponent will manage and maintain vegetation within Lot 147 in accordance with the provisions and requirements of the Vegetation Management Plan (refer to **Condition B14**) for a period of 3 years following the registration of the plan for stage 2.
- (2) The proponent will maintain the stormwater infrastructure for a period of 3 years following dedication to Council.

E11 Operation and Maintenance manuals

Operation and Maintenance manuals for the stormwater infrastructure, including the bio-retention basin, shall be provided to Council prior to dedication of the stormwater infrastructure.

Services

E12 Road Damage

The cost of repairing any damage caused to Council's or another 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.

E13 Signage

Suggestions for street names are to be provided for approval to Council. Street signs, including all traffic signs and markings, are to be installed to Council's satisfaction prior to the release of the Subdivision Certificate for the stage in which the streets are located.

Cul-de-sacs, dead end pathways and streets shall be signposted as no through roads to restrict unintentional movement and access

E14 Water and Sewage Reticulation

- (1) Prior to the release of the Subdivision Certificate/s, an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 is to be made and a Certificate of Compliance lodged with Council indicating that the requirements of Section 306 of that Act have been met.
- (2) A Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council prior to the issue of Subdivision Certificate/s, subject to the following matters being complied with:
 - (1) payment of a contribution towards District Water Supply at the rate applicable at the time (2010/11 rate \$6,200 per equivalent tenement)
 - (2) payment of a contribution towards the Augmentation of Sewerage Headworks at the rate applicable at the time (2010/11 rate \$7,860 per equivalent tenement)
 - (3) payment for a 20mm metered service for each lot at the cost applicable at the time (2010/11 cost is \$680.00 2010/11 per lot)
 - (4) extension of the town water supply main(s), sewer main(s) and water recycling main necessary to serve all of the allotments, at no cost to Council.

Contributions required based on an ET of 43 which provides for an allowance for one existing land parcel which is currently being levied annually.

Monetary Contributions and Contributions-in-lieu

E15 Section 94 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay Council the monetary contributions towards the provision of the following public services or facilities at the rate current at the time of payment, prior to issue of the Subdivision Certificate for the relevant stage:

Project description	Rate per ET
Planning Area 5 active recreation facility upgrades	\$671.30
Leisure Centre Heated Indoor Swimming Pool	\$78.25
Southern Shoalhaven Branch Library	\$260.72
Manyana/Cunjurong	\$1,987.79
Bendalong Road + Inyadda Drive	\$119.94
Synthetic Hockey Field Facility	\$88.55
Stage 2: Shoalhaven City Arts Centre	\$26.32
Stage 3: Shoalhaven Mobile Children's Services	\$8.63
Stage 1: Shoalhaven City Library Extensions	\$290.98

Stage 4: Shoalhaven Multimedia & Music Centre	\$10.09
Shoalhaven Multi Purpose Cultural & Convention Centre	\$260.14
Citywide Fire & Emergency services	\$161.25
Shoalhaven Fire Control Centre	\$211.11
Section 94 Administration	\$438.06
Embellishment of Icon and District Parks and Walking Tracks	\$168.72
Total per equivalent tenement	\$4,781.85

Note: These rates are reviewed annually and may be subject to increases as a result of indexation.

The Shoalhaven Contributions Plan 2010 is anticipated to be adopted in July 2010 and contributions rates may change.

The proponent shall not receive an open space contributions credit for dedication of Lot 147 as it does not meet the criteria for open space.

Timing and Method of Payment

The contribution shall be paid in the form of cash, money order or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Note: contributions are required for 43 Equivalent Tenements, credit for the three existing allotments has been applied.

Evidence of the payment to Council shall be submitted prior to issue of the subdivision certificate for each stage.

The contribution(s) for land will be adjusted in accordance with the latest annual valuations. The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

E16 Additional Contributions

The Proponent shall pay additional contributions, in accordance with Section 94B(2) of the Act, prior to issue of the Subdivision Certificate for the relevant stage, that specifically provide for the works and costs outlined in the table below:

Item	Description	Amount per equivalent tenement
1.	Extension of the Community Hall, Yulunga Reserve.	\$212.21
2.	Upgrade Foreshore Facilities, Including the Provision of Car Parking.	\$89.65
3.	Upgrade Works to Bendalong Road and Inyadda Drive.	\$329.81
4.	Construction of a Rural Road Type B Intersection, Bendalong Road and Inyadda Drive.	\$74.71
Total per equivalent tenement		\$706.38

Timing and Method of Payment

The contribution shall be paid in the form of cash, money order or bank cheque. For accounting purposes, the contribution may require separate payment for each of the items above and you are advised to check with Council. Note: contributions are required for 43 Equivalent Tenements, credit for the three existing allotments has been applied.

Evidence of the payment to Council shall be submitted prior to issue of the subdivision certificate for each stage.

The contribution(s) for land will be adjusted in accordance with the latest annual valuations. The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

Utilities

E17 Telstra

The Proponent is to make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with the Certifying Authority prior to the release of the subdivision certificate for each stage.

E18 Electricity

The Proponent is to make satisfactory arrangements with Integral Energy for the supply of electricity to each lot. A letter from Integral Energy stating that satisfactory arrangements have been made for the provision of electricity is to be lodged with Council prior to the release of the subdivision certificate for each stage.

E19 Maintenance Bond

A cash or irrevocable bank guarantee, to repair any deficiencies in the works, shall be lodged with Council if a Subdivision Certificate is sought prior to the end of the 6 month maintenance period for the works;

1. The amount shall be 5% of the cost of the civil works (excluding water supply and sewerage);
2. Works will not be accepted into maintenance until they are open to the public.

PART F ONGOING CONDITIONS

F1 Compliance with Vegetation Management Plan

The proponent shall manage lot 147 in accordance with the approved Vegetation Management Plan for a period of three years following dedication to Council.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the certifying 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 proponent shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of the certifying authority before the release of the subdivision certificate.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, 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 certifying authority prior to the issue of the Construction Certificate.

AN3 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.

AN4 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.

AN5 Application under Part 4A of the Act

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

AN6 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.

AN7 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.

AN8 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.

AN9 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 consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN10 Future applications

This approval is for the subdivision of the land only. 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 79BA of *Planning for Bushfire Protection 2006*.

SCHEDULE 3

MP 06-0165

LOT 682 DP 568678, LOT 705 DP 613881 AND LOT 810 DP 247285

MANYANA DRIVE, MANYANA

STATEMENT OF COMMITMENTS

(SOURCE: PREFERED PROJECT REPORT)

6. AMENDED STATEMENT OF COMMITMENTS (SOC)

Table 6.1: Statement of Commitments

Item	Commitments	Timing
General	The developer will carry out the development in accordance with Preferred Planning Report, prepared by Watkinson Apperley Pty Ltd dated June 2010, plans prepared by Watkinson Apperley Pty Ltd and supporting reports.	For the duration of the subdivision.
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"> • 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, roadwork's, water supply (both potable and use of reclaimed water) and sewerage works, and landscaping. • Shoalhaven City Council - Road Opening Permit from Shoalhaven City Council as required; • Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993); • Integral Energy - Design Certification; • Integral Energy - Notification of Arrangement; • Telstra - Compliance Certificate; • Shoalhaven Water - Compliance Certificate; • Shoalhaven City Council – Subdivision Certificates for each stage. 	For the duration of the subdivision.
Final Plan of Subdivision	<ul style="list-style-type: none"> • The developer will prepare a final plan of subdivision and Section 88B instrument for each stage of the development in accordance with the recommendations of the Environmental Assessment Act and requirements of Shoalhaven City Council. • The developer will lodge the final plan of subdivision and Shoalhaven City Council subdivision certificates for each stage with the Department of Land and Property Information to obtain registration of the subdivision. 	<p>Prior to the issue of Subdivision Certificates for each stage.</p> <p>Prior to the issue of new DP and lot titles for each stage.</p>
Water Cycle Management	<p>The developer will design, install and maintain water quality control measures in accordance with the following:</p> <ul style="list-style-type: none"> • Kerbside bio-retention pod will be constructed within the proposed extension 	Prior to the release of the Subdivision Certificate for

**PREFERRED PROJECT REPORT - 47 LOT RESIDENTIAL SUBDIVISION OF LOT 682
DP 568678, LOT 705 DP 613881 AND LOT 810 DP 247285, MANYANA DRIVE, MANYANA**

Item	Commitments	Timing
	<p>of Sunset Strip.</p> <ul style="list-style-type: none"> • Retain a 30 to 50m riparian zone along the creek through dedication of proposed Lot 158. • Construct a bio-retention basin in accordance with Section 4.4 and Attachment 7. • Install gross pollutant trap to treat stormwater entering the bio-retention basin. • Construct a bio-retention swale along The Barbette in accordance with Section 4.4 and Attachment 7. <p>The developer will prepare a erosion and sediment control plan to control run off during construction in accordance with the principles of the Landcom publication Managing Urban Stormwater: Soils and Construction Volume 1, 4th Edition and Construction Certificate Plans approved by Shoalhaven City Council and DCP 100.</p>	<p>stage 2.</p> <p>Prior to the release of the Subdivision Certificate for stage 1.</p> <p>Prior to the issue of the Construction Certificate for each stage.</p>
Flora and Fauna	<p>The developer will manage vegetation and habitat in accordance with the following:</p> <ul style="list-style-type: none"> • Dedicate proposed Lot 147 to Shoalhaven City Council with a 3 year maintenance period. • A Vegetation Management Plan will be prepared by a suitably qualified person for the lot 147. • Perimeter roads will be located such that they adjoin retained vegetation on proposed Lot 147 wherever possible in order to provide a line of demarcation between disturbed areas and protected areas and limit unauthorised access and dumping. • All vegetation to be retained will be protected from unauthorised access during the construction phase of the proposal. • 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. 	<p>On registration of the plan of subdivision for stage 2.</p> <p>Prior to the issue of the Subdivision Certificate for stage 2.</p> <p>Prior to the issue of the Subdivision Certificate for stage 2.</p> <p>During the construction phase of all stages.</p>

**PREFERRED PROJECT REPORT - 47 LOT RESIDENTIAL SUBDIVISION OF LOT 682
DP 568678, LOT 705 DP 613881 AND LOT 810 DP 247285, MANYANA DRIVE, MANYANA**

Item	Commitments	Timing
Bushfire Risk	<p><u>Provision of Asset Protection Zones</u> The developer will establish Asset Protection Zones (APZs) in accordance with Mitigation measure outlined in Section 4.2.</p> <p>The developer will install relevant infrastructure as required, including fire hydrants.</p> <p><u>Restriction as to User</u></p> <p>The developer will impose a Section 88B Restriction as to User on the title of relevant allotments specifying required Asset Protection Zones (APZs) and Level of Construction in accordance with mitigation measure outlined in Section 4.2.</p> <p>The developer will impose a Section 88B Restriction as to User on the title of lot 102, 104 and 105 specifying that a 1.8 m high colourbond fence be constructed along the eastern boundary.</p> <p>The developer will impose a Section 88B Restriction as to User on the title of lots 116 specifying that a 1.8 m high colourbond fence be constructed along their boundaries adjoining Lot 147 in accordance with mitigation measures outlined in Section 4.2.</p>	<p>Prior to the issue of the Subdivision Certificate for each stage.</p> <p>On registration of the plan of subdivision for each stage.</p> <p>On registration of the plan of subdivision for stage 1.</p> <p>On registration of the plan of subdivision for stage 2.</p>
Acid Sulphate Soil	<p>The developer will manage Acid Sulphate Soils in accordance with the following:</p> <ul style="list-style-type: none"> • The developer will prepare an acid sulphate soil management plan. Written as a series of commitments to actions with specifics about sampling regimes and treatment methods. • The soil excavated during construction of the areas identified as containing ASS will be treated in accordance with ASSMP. • Further investigation will be undertaken as construction of the subdivision proceeds over the site outside the area already tested. 	<p>Prior to construction certificate from stage 2.</p>
Coast Dune Protection	<p>A fence will be constructed along the eastern edge of the new perimeter loop road reserve adjoining lot 147.</p>	<p>Prior to the issue of the Subdivision Certificate for stage 2.</p>
Landscaping	<p>The developer will prepare a detailed landscape plan for each stage of development in line with the concept landscape plan (Attachment 8).</p>	<p>Prior to the issue of the Construction Certificate for each stage.</p>

PREFERRED PROJECT REPORT - 47 LOT RESIDENTIAL SUBDIVISION OF LOT 682
 DP 568678, LOT 705 DP 613881 AND LOT 810 DP 247285, MANYANA DRIVE, MANYANA

Item	Commitments	Timing
Public Open Space	Lot 147 (4.54ha) is proposed to be dedicated to Shoalhaven City Council for the purposes of riparian corridor, public reserve and provide additional access to Manyana Beach. The developer will provide maintenance to the public reserve for a 3 year period.	On registration of the plan of subdivision for Stage 2.
Construction	The developer will prepare a Construction Management Plan for approval by Shoalhaven Council. The plan will include education of workers on the conditions requiring compliance (including soil erosion and sediment controls, flora and fauna), details of the environmental management procedures, which are to employed during construction and measures relating to waste minimisation and management.	Prior to the issue of the Construction Certificate for each stage.
Infrastructure	<p><u>Roads</u></p> <p>The developer will construct the extension of Sunset Strip (Stage 2), The Barbette (Stage 1), The Bounty (Stage 1), Manyana Drive (Stage 2) and one new loop road off Manyana Drive (stage 2).</p> <p>The developer will provide street signs in accordance with the requirements of Shoalhaven City Council.</p> <p><u>Electricity and Telecommunications</u></p> <p>The developer will provide underground power to each residential lot in the subdivision in accordance with the requirements of Integral Energy</p> <p>The developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with requirements of Telstra.</p> <p><u>Water and Sewer Services – Residential Allotments</u></p> <p>The developer will provide reticulated water, reuse water and sewerage services to each lot in the subdivision in accordance with the requirements of Shoalhaven Water</p>	<p>Prior to release of the subdivision certificate for each stage.</p> <p>Prior to release of the subdivision certificate for each stage.</p> <p>Prior to release of the subdivision certificate for each stage.</p>