

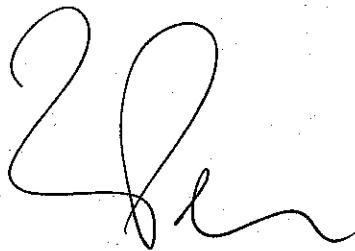
Project Approval

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

I, the Deputy Director-General, Development Assessments 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,

2 March

2010

SCHEDULE 1

PART A—TABLE

Application made by:	Waldel Park Pty Ltd.
Application made to:	Minister for Planning.
Project Application Number:	07_0129.
On land comprising:	Belle O'Connor Street, South West Rocks Lot 124 DP1097510.
Local Government Area	Kempsey.
For the carrying out of:	A 56 lot subdivision, comprising 54 residential lots, one lot for environmental protection and one lot for future integrated housing.
Type of development:	Project Application under Part 3A of the Act.
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 07_0129

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise.

Council means Kempsey Shire Council

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment Stage 1C 'Seascape Grove' Residential Estate prepared by King & Campbell Pty Ltd and dated March 2009, including all Appendices.

Minister means the Minister for Planning.

Project means the project as described in Condition A1 to this approval.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report means the Preferred Project Report prepared by King and Campbell Pty Ltd dated 20 January 2010.

Proponent means Waldel Park Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Subject Site has the same meaning as the land identified in Part A of this schedule.

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 07_0129

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- (1) Subdivision of Lot 124 DP 1097510 into 54 residential lots, one lot for future integrated housing and one lot for environmental protection.
- (2) Construction of infrastructure and services.
- (3) An extension of the internal public roads with access to Burrawong Drive.
- (4) Landscaping of public spaces.
- (5) Removal of trees, other than those identified for retention and protection from Lot 124 DP 1097510 and vegetation works within part of the site zoned 7(d) Scenic Protection on Lot 124.

A2 Project in Accordance with Plans

The project must be undertaken in accordance with the *Final Environmental Assessment* dated March 2009 prepared by King & Campbell Pty Ltd including all Appendices as amended by the *Schedule of revised Documents and Submissions* prepared by King & Campbell Pty Ltd dated 20 January 2010 and the following drawings:

Subdivision Plans prepared by King & Campbell Pty Ltd submitted with the Environmental Assessment as amended by the PPR			
Drawing No.	Revision	Name of Plan	Date
14777P_STAGE1CLOTS.DWG	B	Exhibit 5: Proposed Lots – Areas & Dimensions Stage 1C	11.01.2010
14777E_Stage1C.dwg	D	Exhibit 7: Stage 1C Project Application – Overall Layout Plan (MP 05-0018)	08.10.2009
14777P_TREE	E	Exhibit 8: Stage 1C Tree Retention Plan and SE Bushfire Asset Protection	11.01.2010

Engineering Drawings prepared by King + Campbell submitted with the Environmental Assessment as amended by the PPR			
Drawing No.	Revision	Name of Plan	Date
14777P_TREE	D	Exhibit 8A Land Use Plan	11.01.2010
14777P_Residuals.dwg	A	Exhibit 7A Lot 900 – Proposed House Lot Subdivision	09.10.2008

Engineering Drawings prepared by <i>King + Campbell</i> submitted with the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
Int_housing_fill.dwg	B	Exhibit 16: Filling Plan	March 2009
14777SMP1.DWG	A	Exhibit 11- Overall Stormwater Management Plan	13.07.2006
Landscape Drawing prepared by <i>King & Campbell Pty Ltd</i> at Annexure J of the Environmental Assessment, as amended by the PPR			
Drawing No.	Revision	Name of Plan	Date
Landscape Principles Plan.cdr	A	Landscape Principles Plan Waldel Park, South West Rocks	-

except for:

- (1) any modifications which are in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA
- (2) otherwise provided by the conditions of this approval.

A3 Project in Accordance with Documents

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

- (1) *Stage 1C 'Seascope Grove' Residential Estate, Final Environmental Assessment* prepared by King & Campbell Pty Ltd on behalf of Waldel Park Pty Ltd, dated March 2009
- (2) *Schedule of revised Documents and Submissions*, prepared by King & Campbell Pty Ltd and dated 20 January 2010
- (3) *Bushfire Protection Assessment for the Proposed Stage 1C Residential Subdivision of Seascope Grove Lot 124 in DP 1097510, Belle O'Connor Street, South West Rocks for Waldel Park Pty Ltd* prepared by Australian Bushfire Protection Planners Pty Ltd and dated 3 November 2007 (Appendix A to *Final Environmental Assessment*)
- (4) *Statutory Ecological Impact Assessment* prepared by Darkheart Eco-Consultancy and dated October 2009
- (5) *Aboriginal Heritage Assessment* prepared by ERM Australia and dated May 2007 (Appendix C to *Final Environmental Assessment*)
- (6) *Traffic Impact Assessment* prepared by ERM Australia and dated August 2006 (Appendix D to *Final Environmental Assessment*)
- (7) *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006 (Appendix E to *Final Environmental Assessment*)
- (8) *Geotechnical Report* prepared by Chandler Geotechnical Pty Ltd and dated 30 May 2003 (Appendix I to *Final Environmental Assessment*).

As amended by the *Schedule of revised Documents and Submissions* (including attachments), prepared by King & Campbell and dated 20 January 2010 and by the conditions of this approval.

A4 Inconsistency between Documents

In the event of any inconsistency between

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Construction and Environmental Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared for all stages and implemented in accordance with these Conditions of Approval, all relevant Acts and Regulations and with the Department of Infrastructure, Planning and Natural Resources (DIPNR) *Guideline for the Preparation of Environmental Management Plans*. The Proponent must ensure that the mitigation measures identified in the Statement of Commitments, the relevant technical reports (see **Condition A2**) and in these Conditions are incorporated into the CEMP. The CEMP shall be submitted to and approved by the Principle Certifying Authority (PCA).

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) flora and fauna management (via the Tree Plan of Management, see **Condition B20** below)
- (4) waste management, in accordance with the requirements of Council (see **Condition B11** below)
- (5) traffic management (see **Condition B9** below)
- (6) erosion and sediment control designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004) by Landcom*, see **Condition B12** below)
- (7) induction procedures for all site workers on measures to protect flora and fauna and Aboriginal heritage
- (8) Acid Sulphate Soil Management Plan (see **Condition B7** below).

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 is to document the management and maintenance measures required for each lot within the subdivision, so that appropriate restrictions on the title may be applied.

The Proponent shall submit a copy of the approved plan to Council if Council is not the Certifying Authority.

B2 Staging of Construction

Separate Construction Certificates may be obtained for roads, services and infrastructure works relating to the following stages of development, as identified on drawing *Stage 1C Project Application — Overall Layout Plan*, (Drawing number 14777E_Stage1C.dwg) Revision D dated 08/10/09:

Stage 1 (i), (ii), (iii)– Precinct E1

(1) Stage 1(i)

- creation of seven residential lots 623 – 628 (sizes 643.5m²–665.3 m²)
- construction of storm water mitigation, in consultation with Council, for Lot 623 and 624
- servicing of proposed lots and landscaping works, including provision of street trees
- permanent fencing of the western boundary, adjacent the unformed crown road and placement of a barrier, to Council’s specification, at either end of the adjacent Crown Road Reserve
- minor civil works on Belle O’Connor Street to accommodate new lots (including adjustments to existing footpaths/utilities, addition of service line and adjustment to the existing streetscape/landscaping).

(2) Stage 1(ii)

- creation of Lot 900
- servicing of proposed lots and landscaping works, including provision of street trees
- fencing of the western boundary of the site (Lot 124 DP 1097510 as well as Lot 623 and Lot 900) and construction of barrier at either end of the western crown road reserve.

(3) Stage 1(iii)

- creation of Lot 700 for future integrated housing
- filling of Lot 700.

(4) Stage 2 – Precinct E2 and Precinct G

- creation of 14 residential lots 601–613 and 644 (sizes 630.0m²–1,156.4m²)
- creation of lot 800
- re-vegetation within Lot 800 in accordance with the Vegetation Management Plan (See **Condition B21**)
- servicing of proposed lots and landscaping works, including provision of street trees;
- removal of vegetation in accordance with drawing No. 14777P_TREE, dated 11/01/10 as amended by the conditions of approval
- construction of stormwater mitigation in accordance with *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006 as well as additional mitigation, in consultation with Council, for Lots 604, 605 and 644
- construction of part of the internal loop road off Burrawong Drive fronting all the lots in this stage of the development
- construction of part of Burrawong Drive from the intersection of Rosedale Avenue to just past proposed lot 613 (unless already constructed as per the Stage 1B approval 05_0018)

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- construction of temporary turning area for vehicles at the end of loop road, and if necessary, Burrawong Drive.

(5) Stage 3 – Precinct E3

- creation of nine residential lots 614 - 622 (sizes 767.7m²–1948.8m²)
- servicing of proposed lots and landscaping works, including provision of street trees
- construction of part of Burrawong Drive from the end of stage 2 to just past proposed Lot 622, including the intersection with proposed Road Number 5 (unless already completed as per Stage 1B approval 05_0018)
- construction of a turning circle for vehicles at the intersection with proposed Road 5 (unless roads already constructed as per approval 05_0018)
- construction of stormwater mitigation in accordance with *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006
- removal of vegetation in accordance with drawing No. 14777P_TREE, dated 11/01/10 as amended by the conditions of approval.

(6) Stage 4 - Precinct F1

- creation of 12 residential lots 629–636 and 639–642 (sizes 621.9 m²–928.1 m²)
- construction of part of the internal loop road off Burrawong Drive fronting all the lots in this stage of the development
- construction of stormwater mitigation in accordance with *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006 as well as additional mitigation, in consultation with Council, for Lot 636
- servicing of proposed lots and landscaping works, including provision of street trees
- construction of a temporary turning circle at the end of the loop road.

(7) Stage 5 – Precinct F2

- creation of 13 residential lots 637, 638, 643 and 645–654 (sizes 624.9 m²–903.3 m²)
- construction of part of the internal loop road off Burrawong Drive fronting all the lots in this stage of the development
- construction of storm water mitigation, in accordance with *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006 as well as additional mitigation, in consultation with Council, for Lots 645-650
- servicing of proposed lots and landscaping works, including provision of street trees.

It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

Design Details

B3 *Barrier to Western Crown Road Reserve*

Prior to issue of a construction certificate for **Stage 1b** the design of the barrier for either end of the western crown road reserve shall be submitted to and approved by Council.

B4 **Stormwater Design – This condition is to be read in conjunction with Condition B15 of the conditions of approval for 05_0018 (Stage 1B)**

- (8) Final design plans of the stormwater drainage systems within the proposed subdivision are to be prepared by a suitably qualified practising professional and in accordance with the requirements of Kempsey Shire Council and shall be submitted to and approved by the PCA prior to the issue of a Construction Certificate for **Stage 2**. The hydrology and hydraulic calculations shall be based on the most appropriate methods described in the current edition of *Australian Rainfall and Runoff* and in accordance with Kempsey Shire Council's DCP 36.
- (9) The flows emanating from the development are to be restricted to pre-development levels in accordance with Section D5 of Kempsey Shire Council's DCP No. 36.
- (10) All stormwater drainage (with the exception of drainage from lots 604, 605, 636 and 644-650) is to be connected to the Stage 1B (05_0018) approved gross pollutant trap and wet detention basin. The Proponent is to liaise with Council prior to issue of a Construction Certificate for **Stage 2**.
- (11) Appropriate stormwater mitigation devices shall be provided for lots 604, 605, 636 and 644-650. The devices shall be constructed to the satisfaction of Council. The Proponent is to liaise with Council prior to issue of a Construction Certificate for **Stage 2**.
- (12) Stormwater drainage from lots 604, 605, 636 and 644-650 is to be directed to the appropriate stormwater mitigation device(s) (See **Condition B4 (4)**)
- (13) Appropriate temporary catch drains are to be designed for each development stage to reduce the impact of stormwater runoff from higher areas.

B5 **Traffic, Roads and Parking**

- (1) Kerb and gutter, stormwater drainage, full road width pavement and paved footpaths shall be constructed along the full length of the new road. The road shall be designed in accordance with the relevant requirements of Kempsey Shire Council's DCP No. 36 as well as current applicable Australian Standards. Final road design plans shall be submitted and approved by Council prior to the issue of a Construction Certificate.
- (2) The internal road shall be constructed and dedicated for the full frontage of all of the lots in the development, within each Precinct, to the characteristics defined in Table D1.5 of DCP No. 36, or as otherwise approved by Council.
- (3) Provisions, in the form of temporary bitumen pavement turning areas, are to be made for the access of service vehicles for each stage of the development (refer **Condition B2**).
- (4) The street designs are to incorporate traffic calming principles in accordance with DCP No. 36, to the satisfaction of Council.
- (5) Concrete footpaths are to be provided along one side of the internal road pursuant to Section D1.16 (5) of DCP No. 36 while having regard for the South West Rocks Pedestrian Access and Mobility Plan.
- (6) A Streetscape Plan is to be prepared by a suitably qualified Landscape Architect in respect to the proposed internal road in accordance with Section D13 of DCP No. 36 and in consultation with Council's Horticultural Officer, prior to the issue of a Construction Certificate, to the satisfaction of Council.
- (7) The Proponent is to submit to Council a list of at least three (3) names in respect to each of the internal roads in accordance with Council's policy on Street Naming, prior to the issue of a Construction Certificate.

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- (8) A “no through” road sign shall be installed in Burrawong Drive and Road 5 if the full road lengths have not already constructed as per the Stage 1B (05_0018) approval.

Earthworks

B6 Phase One Contamination Assessment

A phase one contamination assessment shall be undertaken in accordance with the DUAP and EPA 1998 document *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*. The report shall be submitted to the PCA. Any recommendations are to be implemented to the satisfaction of the PCA prior to issue of a Construction Certificate.

B7 CEMP- Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan (ASSMP) shall be prepared for works within Lot 700, prior to issue of a Construction Certificate for **Stage 1c**. The ASSMP shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority.

B8 Filling of lots

- (1) The Proponent is to submit to Council a Geotechnical Specification for the supply and placement of fill materials associated with these Precincts, prepared by a N.A.T.A. Registered Geotechnical Engineer and shall include but not be limited to the following:
 - (a) identify the proposed source of fill
 - (b) method of delivery of fill material to the site
 - (c) geological/geotechnical/chemical analysis (chemical analysis to be undertaken by a N.A.T.A. accredited laboratory) of the proposed fill material to determine its suitability for residential development
 - (d) Quality Assurance Regime
 - (e) any other relevant matters.
- (2) Haulage route(s) for the importation of fill are to be agreed to by Kempsey Shire Council, prior to the issue of a Construction Certificate for filling.
- (3) Fill shall be selected, placed and tested in accordance with Australian Standard 3798-2007 Guidelines on Earthworks for Commercial and Residential Development, or any updated standard
- (4) Fill shall be placed having due regard for the location of the future collector road servicing the property to the north of the site.

Construction Management

B9 CEMP - Traffic Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan must be prepared as part of the CEMP. The Traffic and Pedestrian Management Plan must be prepared by a suitably qualified person and 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

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- (4) pedestrian and traffic management methods
 - (5) restoration of the haulage route, Arakoon Road (refer **Condition D11 (3)**).

The Proponent shall submit a copy of the approved plan to Council if Council is not the Certifying Authority.

B10 CEMP - Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate for lot filling or any new road creation, a Noise and Vibration Management Plan must be prepared as part of the CEMP. The Noise and Vibration Management Plan must be 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 consent
- (4) the construction vibration criteria specified in the conditions of this consent
- (5) determination of appropriate noise and vibration objectives for each identified sensitive receiver
- (6) noise and vibration monitoring, reporting and response procedures
- (7) assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions
- (8) description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) justification of any proposed activities outside the construction hours specified in the conditions of this consent
- (10) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency
- (11) procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- (12) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to the Council, if Council is not the Certifying Authority.

B11 CEMP - Construction Waste Management Plan

Prior to the issue of any Construction Certificate which involves works, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant Waste Management Strategy. The Waste Management Plan shall include disposal methods for cleared vegetation; vegetation shall not be burnt on-site. The Proponent shall submit a copy of the plan to Council.

B12 Erosion and Sedimentation Control

An appropriately qualified engineer shall prepare a Soil and Water Management Plan as part of the CEMP (including dust control, refer **Condition D17**). The soil erosion and sediment

control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (Landcom 2004)*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Proponent shall submit a copy of the approved plan to Council if Council is not the Certifying Authority.

Civil Works

B13 Stormwater drainage

All lots which cannot drain to a street are to be provided with adequate inter-lot stormwater drainage disposal and any associated drainage easements. Details demonstrating compliance with this condition are to be submitted with the application for a Construction Certificate for each Precinct.

Lots 604, 605, 623, 636 and 645-650 shall not drain to the un-made section of Crown Road unless suitable mitigation has been designed in consultation with Council (refer **Condition B4 (4) and (5)**)

B14 Extension of services

Detailed plans (design and construction) and calculations for the extension of the following mains to serve all of the allotments in each Precinct are to be submitted to Council prior to the issue of the Construction Certificate, demonstrating compliance with Kempsey Shire Council's DCP No. 36 and Macleay Water's Dual Water Supply Systems requirements, as relevant:

- (1) town water supply main(s)
- (2) town sewer main(s)
- (3) town water recycling main.

B15 Reservoir Site

The Proponent is to document that satisfactory arrangements have been made with Kempsey Shire Council to accommodate all water supply work required at the Reservoir Site being associated with all of the Precincts, prior to the issue of a Construction Certificate for **Stage 2** and before finalising the Construction Certificate plans for **Stage 2**.

B16 Approval of Engineering Plans

The Proponent is to submit engineering plans and all associated documentation and calculations for all civil works for each Precinct to Council or a PCA for approval demonstrating compliance with Kempsey Shire Council's DCP No. 36, prior to the issue of a Construction Certificate.

B17 Alterations of public utility services

Any necessary alterations to or relocations of public utility services are to be carried out at no cost to Council.

B18 Easements for Council utility services

Easements to accommodate Council utility services are to be sized in accordance with Kempsey Shire Council's DCP36

Details of the easement for stormwater drainage between Lots 617 and 618 are to be submitted to Council with the application for a Construction Certificate for **Precinct G**.

Environmental Management

B19 Tree removal

The trees marked on the *Exhibit 8: Stage 1C Tree Retention Plan and Bushfire Asset Protection* (Drawing Number 14777P_Tree Revision E) prepared by King & Campbell and dated 11/01/10 as trees to be removed are approved for removal.

B20 Tree Plan of Management

A Tree Plan of Management (TPoM) is to be prepared and implemented as part of the CEMP for Stage 2. The TPoM must be submitted and approved by Council prior to the issue of the Construction Certificate for **Stage 2 (Precincts E2 and G)**. The TPoM is to be prepared for the whole site addressing the following matters and must identify each tree to be removed: for the creation of the road; drainage works; building envelopes; Asset Protection Zones; or because it is dangerous, for each lot. All other trees are to be retained. The TPoM shall include all recommendations made in the *Statutory Ecological Impact Assessment* prepared by Darkheart Eco-Consultancy and dated October 2009.

The Plan is to include:

- (1) Tree removal
 - (a) identification of each tree by a number, by species and whether it is to be retained or removed and reason for removal
 - (b) the limits of clearing are to be clearly marked on site prior to the issue of the construction certificate
 - (c) procedures for tree removal, procedures must include protocols for hollow bearing tree removal and pre-clearing surveys
 - (d) 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 nocturnal animals or otherwise can be effectively managed.
- (2) Management of 7(d) zone during construction
 - (a) the number and location of nest boxes in the 7(d) zone (to be placed at a rate of 1:1 for every hollow removed, equivalent to hollow size and maintained until suitable hollows develop)
 - (b) the design of fences and other such barriers to avoid restricting the movement of fauna into and out of the 7(d) zone.
- (3) Trees to be retained
 - (a) a minimum 6 metre buffer zone around all trees identified to be retained; as shown on Drawing number 14777P_TREE, Revision E) Exhibit 8: Stage 1C Tree Retention Plan and SE Bushfire Asset Protection, dated 11/01/10 (The Plan shall identify the building envelopes to accommodate the buffer zone on each affected lot. All structures and excavation (including for footings, swimming pools etc) are to be outside of this buffer zone.)
 - (b) the means of protecting trees to be retained during subdivision construction works. All areas that are to be left undisturbed are to be cordoned off from the Precinct under construction
 - (c) a report prepared by a suitably qualified person indicating that the proposed tree retention will comply with the Rural Fire Service's Planning for Bushfire Protection 2006

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- (d) the means to ensure the on-going retention of the trees during the construction of future dwellings and structures. This shall include a commitment that will require the development application/complying development certificate and construction certificate for the dwellings and structures on the affected lots to be accompanied by an arborist's report detailing:
- i. the manner of construction required to achieve the on-going retention of the tree/s
 - ii. confirming that the structure will not affect identified tree/s,
 - iii. identifying the measures to protect the tree/s during construction works.

Note: the 6 m buffer is a minimum buffer, and may have to be adjusted according to site and tree conditions.

B21 Vegetation Management Plan

Prior to the issue of a Construction Certification for **Precinct E2 (Stage 2)**, the proponent shall prepare, to the satisfaction of and approval by the Department, a Vegetation Management Plan (VMP). The VMP shall be prepared in accordance with DWE's *How to Prepare a Vegetation Management Plan* (version 7) http://www.dnr.nsw.gov.au/water/pdf/ca_vegetation_management_plans_guidelines_200801_24.pdf for the vegetation within lot 800. The VMP shall include the area marked for revegetation, the area of existing vegetation and the area around the dam, adjacent lot 613 as shown on *Exhibit 8: Stage 1C Tree Retention Plan and Bushfire Asset Protection* (Drawing Number 14777P_Tree Revision E) dated 11/01/10.

The Plan shall be written in a style that is clear, explicit and practically able to be implemented. The Plan shall exclude subjective or unquantified statements and the use of terms such as "should, may, where possible, potentially, etc".

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 and upheld in perpetuity
- (2) specific environmental objectives
- (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
- (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 disease such as *Phytophthora cinnamomi*
- (8) nest box location and management
- (9) details of methods for the protection of fauna cars along Burrawong Drive
- (10) specifications for ongoing protection of the vegetation from impacts associated with adjacent residential areas (including human visitation)
- (11) mapping and photographs of vegetation condition/weed cover as a baseline from which site rehabilitation/management can be measured
- (12) educational/regulatory style signage

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- (13) a bush regeneration plan including:
- (a) a requirement to retain all standing and fallen timber
 - (b) details on how weeds will be controlled
 - (c) details on the supplementary planting of local indigenous native vegetation species.
 - (d) 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.

- (14) performance criteria by which compliance will be measured for the implementation of the above.

The party having the benefit of this consent is to undertake vegetation rehabilitation and maintenance work as part of the VMP for 5 years from the issue of a construction certificate for Stage 2 works. A monitoring report is to be submitted to Council annually detailing the works undertaken as part of the VMP.

All vegetation rehabilitation work funded by the party having the benefit of this consent 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.

In relation to (1) above, the habitat within lot 800 shall be managed in perpetuity, the Vegetation Management Plan is to be registered on the title of Lot 800 pursuant to the provisions of s.88E of the Conveyancing Act 1919 and recorded in the Register kept under the *Real Property Act 1900*:

B22 *Landscape Plan*

All nature strips and proposed public reserves are to be filled, graded, landscaped and grassed. Landscaping is to use endemic species only. An amended Landscape Plan is to be submitted to Council with the application for a construction certificate.

Heritage Management

B23 *Archaeological survey*

No fill is to be deposited on proposed Lot 700 until an archaeological survey, by a qualified archaeologist has been undertaken and, in the event that items of significance are found, appropriate mitigation measures are agreed with the local Kempsey Local Aboriginal Land Council and implemented. The survey results and details of any agreement are to be provided to DECCW the PCA and Council, if Council is not the Certifying Authority.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to 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) Prior to any civil works commencing onsite Council shall be provided:
 - (a) a copy of the nominated contractor's and/or sub-contractor's Certificate of Currency for Public Liability Insurance cover sheet. The public liability cover shall be equal to but not less than \$10 million and indemnify Kempsey Shire Council against loss.
 - (b) the names and qualifications (in writing) of the nominated contractor and/or sub-contractors who will undertake the civil works associated with the subdivision

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.

C3 Notification of Local Aboriginal Land Council

The Proponent shall notify the Kempsey Local Aboriginal Land Council of the commencement of works at each stage of the development and provide it with an opportunity to view the works. Evidence of such notification and the response of the Kempsey Aboriginal Land Council shall be submitted to the satisfaction of the PCA.

Structural Works

C4 Retaining Walls

Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Principal Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

Pollution Control

C5 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

Conditions amending Statement of Commitments

D1 Fill Material

No fill shall be placed on site that does not comply with the relevant Australian Standard or does not meet Council requirements (in addition to the requirements of item 3 in the Statement of Commitments).

D2 Fire Hydrants

Fire hydrants are to be installed in accordance with Australian Standard AS2419.1-2005 , Kempsey Shire Council's DCP 36 and the Water Service Association of *Australia's Water Supply Code* (amends Item 10 of the Statement of Commitments).

D3 Provision of Services

Reticulated potable and non-potable water, sewerage, underground electricity and telecommunications shall be provided to each residential allotment during construction (amends item 11 of the Statement of Commitments)

Environmental Management Requirements

D4 Operation of the Tree Plan of Management

At the commencement of **Stage 2 (Precincts E2 and G)** works vegetation management, as required under the TPoM are to commence across the entire site.

D5 Operation of the Vegetation Management Plan

At the commencement of **Stage 2 (Precincts E2 and G)** works vegetation rehabilitation, as required under the VMP, are to commence across proposed Lot 800.

Earthworks

D6 Acid Sulfate Soils

Acid sulfate soils shall be managed in accordance with the acid sulfate soil management plan (**Condition B7**)

D7 Earthworks

Cut and Fill shall be carried out in accordance with drawing number Int_housing_fill.dwg, revision B titled *Exhibit 16: Filling Plan* and dated March 2009.

D8 Filling of Lots

- (1) Fill shall be placed on Lot 700 only, in accordance with drawing no. Int_housing_fill.dwg dated March 2009.
- (2) The allotments to be filled shall have a minimum longitudinal fall of 1% to either the internal roads and or proposed inter-allotment pipe drains.
- (3) The party having the benefit of this consent is to restore, replace and/or reconstruct any damage caused to road pavement surfaces or street furniture along Arakoon

Road on the haulage route(s) used for the construction of the subdivision, at any stage of the works, until all works associated with this approval are completed.

- (4) All spoil that is to be removed shall be tested and if necessary treated (in accordance with the Acid Sulfate Soil Management Plan, **Condition D6**).
- (5) A maximum depth of 1.7m of fill shall be deposited within Lot 700.

Site Maintenance

D9 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.

D10 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

D11 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.

D12 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. 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.
- (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.

D13 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 construction works.

D14 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* and AS1158-1997 Road Lighting. Upon installation of lighting, but before it is finally

commissioned, the Proponent shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D15 Traffic and Access

- (1) Access to properties along Belle O'Connor Street is to be maintained at all times.
- (2) Construction vehicles shall not park on Belle O'Connor Street.
- (3) All ingress and egress of vehicles to the site, loading and unloading, traffic routes, pedestrian and traffic management shall comply with the traffic management sub-plan (**Condition B9**).

D16 Waste Management

Waste must be managed in accordance with Council's Waste Management Strategy and the waste management sub-plan (**Condition B11**).

D17 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction (refer **Condition B12**). 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.
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D18 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:

- (1) the delivery of materials is required outside these hours by the Police or other authorities

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- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
 - (3) the work is approved through the Construction Noise and Vibration Management Plan
 - (4) 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.

D19 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} (15minute) 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 Environmental Assessment or otherwise identified in the approved Construction Environmental Management Plan. 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.

D20 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
 - (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.

D21 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).

Heritage

D22 Aboriginal Heritage

- (1) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Kempsey Local Aboriginal Land Council and the DECCW are to be notified. If the remains are found to be of Aboriginal origin and the Police

consider the site not an investigation site for criminal activities, the DECCW should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECCW. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECCW.

- (2) If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by the DECCW) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.

D23 Use of Plant Material

Plant matter that is removed 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.

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 interallotment 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. Easements shall be sized in accordance with Council's DCP36 Engineering Guidelines for Subdivision and Development.
- 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 restriction as to user is to be created over all lots within the development requiring cats to be confined indoors between sunset and sunrise.

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- b. A restriction as to user is to be created over lots 900, 604, 605, 623, 636, and 644-650 prohibiting direct access (both pedestrian and vehicular) to the adjacent crown road reserve (as identified on drawing 14777P_STAGE1CLOTS.DWG Revision B *Exhibit 5: Proposed Lots – Areas & Dimensions Stage 1C* dated 11/01/10) from these lots
 - c. A restriction as to user is to be placed on the title of Lots 605, 606, 607 and 610-622 prohibiting the construction of dwellings on the 7(d) zoned land.
 - d. A restriction as to user is to be placed on the title of lots 610-613 and 614-622 stating that artificial lighting is to be localised and low luminosity, with light directed to the ground rather than the vegetation.
 - e. A restriction as to user is to be created for all affected lots showing the location of all trees and indicating that they are to be retained in accordance with the approved Tree Management Plan (referred to in Condition B3).
 - f. A restriction as to user is to be created for Lot 800, prohibiting ownership of cats or dogs, with the exception of assistance animals as defined by the *Companion Animals Act 1998*.
 - g. A positive covenant requiring that the land on Lot 800 (with the exception of land marked as existing cleared area, between the two access trails for regeneration maintenance, on Plan 14777P_TREE Revision E *Exhibit 8 – Stage 1C Tree Retention Plan and SE Bushfire Asset Protection* dated 11/01/10), shown on Plan 14777P_STAGE1CLOTS.DWG Revision B *Exhibit 5: Proposed Lots – Areas & Dimensions Stage 1C* dated 11/01/10 is to be managed in perpetuity by the owner of the lot for conservation and in accordance with the approved Vegetation Management Plan (refer **Condition B21**).
 - h. In addition to the requirements of the NSW Rural Fire Service the following additional requirements shall be met prior to the issue of a Subdivision Certificate for Precincts E2 and E3.

The creation of a suitable restriction as to user prohibiting the erection of any building, including outbuildings, within this area and allowing for the creation and maintenance of the following Bushfire Asset Protection Zones (as identified on drawing 14777P_TREE Revision E *Exhibit 8 – Stage 1C Tree Retention Plan and SE Bushfire Asset Protection* dated 11/01/10):

- i. creation of a 12m wide Asset Protection along the south-western boundary of Lots 605-617
- ii. creation of a 8m wide Asset Protection along the western boundary of Lots 618-622
- iii. creation of a 8m wide Asset Protection Zone along the south-western boundary of Lots 618-622
- iv. creation of a 12m wide Asset Protection Zone along the southern boundary of Lot 622.

All Asset Protection Zones are to be located wholly within the individual lot boundaries.

- 4) The restrictions are to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Earthworks

E3 Retaining Walls

All 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 Applicant 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 Precincts 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.

Services

E6 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and dedicated to Council as public roads prior to issue of a Subdivision Certificate. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads.

E7 Roads and Drainage

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:-

- (1) Compliance Certificate - Roads
- (2) Compliance Certificate – Drainage

E8 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:
 - (a) payment of a contribution towards District Water Supply at the 2009/2010 rate of \$8,146 per equivalent tenement
 - (b) payment of a contribution towards the Augmentation of Sewerage Headworks at the 2009/2010 rate of \$6,872 per equivalent tenement
 - (c) 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, as required by **Condition B14**.

Monetary Contributions and Contributions-in-lieu

E9 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:

Public amenity or service	current contribution rate per equivalent tenement
Community Services - Library	\$698.77
Community Services - MPB	\$857.25
Open Space acquisitions	\$835.51
Open Space Increased Capacity	\$2,696.36
Bushland	\$59.22
Traffic and Transport Management	\$2,537.90
Public Domain Improvements	\$359.63
Stormwater Management	\$2,437.84
Support Services – Bushfire	\$67.88
Support Services – Surf Lifesavings	\$83.20
Plan Studies	\$142.74
S 94 Administration	6% of total Section 94 charge applicable

Timing and Method of Payment

The contribution shall be paid in the form of cash 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.

Evidence of the payment to Council shall be submitted to 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

E10 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.

E11 Electricity

The Proponent is to make satisfactory arrangements with CountryEnergy for the supply of electricity to each lot. A letter from CountryEnergy 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.

E12 Testing of Sewer Lines

All sewer lines in each Precinct are to be tested including a CCTV check complete with video copy in accordance with Council's DCP No. 36, prior to Council accepting the work as Practically Complete.

NSW Rural Fire Service

E13 Bushfire Protection

All of the relevant requirements of the NSW Rural Fire Service are to be met prior to the issue of a Subdivision Certificate/s to the satisfaction of the PCA.

Work as Executed Plan

E14 Civil Work

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council. The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

PART F – ONGOING CONDITIONS

F1 Compliance with Approved Tree Management Plan

All future applications and approvals (including development applications, construction certificates and complying development certificates) for dwellings and structures on lots where trees are identified for retention on drawing *Stage 1C Tree Retention Plan – Exhibit 8* (Drawing Number 14777P_TREE Revision E) prepared by King & Campbell and dated 11/01/10 and *Land Use Plan – Exhibit 8A* (Drawing Number 14777P_TREE Revision D) prepared by King & Campbell and dated 11/01/10 shall comply with the approved Tree Management Plan referred to in **Condition B20**.

ADVISORY NOTES

AN1 Stormwater

The proponent shall consult with Council, during detailed design of the Wet Detention Basin (Stormwater Quality Control Details in Drainage Reserve Plan 14777SQCD.dwg, dated 13/07/06 in Appendix F of the EA), prior to issue of a Construction Certificate, to ensure stormwater from outlet 4 does not negatively impact on the crown road reserve, if necessary, Land owners consent from the Land and Property Management Authority must be obtained.

AN2 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.

AN3 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.

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 certifying authority along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN7 Temporary Structures

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.

AN8 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.

AN9 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.

AN10 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.

SCHEDULE 3

MP 07_0129

LOT 124 DP 1097510

LOT 124 DP 1097510 BELLE O'CONNOR STREET, SOUTH WEST ROCKS

STATEMENT OF COMMITMENTS

(SOURCE: PREFERED PROJECT REPORT)

MASTERPLAN MP-07-0129
STATEMENT OF commitments
Version 3

No.	Issue	Commitment	Timing
1	General	The development will be carried out in accordance with Environmental Assessment Report (EAR), prepared by King & Campbell Pty Ltd 2008, and supporting reports, except where amended by other Items of this Statement of Commitments.	For the duration of the subdivision
2	Staging	Completion of the development in accordance with the staging set out on the Project Application plan (Exhibit 7).	For the duration of the subdivision
3	Construction	<p>Works shall not commence until such a time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Kempsey Shire Council upon application being made or from an accredited certifier.</p> <p>All construction work shall comply with any applicable Australian Standards and Council Policies where applicable.</p> <p>Any waste generated from the Construction of the development will be disposed of in accordance with Kempsey Shire Council's Waste Management Strategy. The details of Waste disposal shall be set out in the approved Construction Management plan.</p> <p>Construction work shall be confined to 7:00am to 6:00pm, Monday to Fridays and 7:00am to 12:00 noon Saturdays.</p> <p>Clearing and removal of vegetation shall not be undertaken unless in accordance with the provisions of the Tree Management Plan and Environmental Management Plan to be completed as a part of Major Project approval 05_0018. Works must also be in accordance with the recommendations of Darkheart 2009 regarding tree removal, revegetation and pre-clearing surveys to minimise the impacts of any arboreal fauna present. The Darkheart recommendations are detailed below as follows:</p> <ul style="list-style-type: none"> • When tree removal is to be programmed, all non-hollow bearing trees are to be removed at least 24hrs before removal of hollow-bearing trees. This is to stimulate any resident animals to abandon the den/roost site; • A pre-clearing survey is to be conducted on the night prior to removal of the hollow-bearing trees to help minimise the risk of injury/mortality of arboreal fauna (especially the Squirrel Glider) potentially utilising the subject trees as den-sites. The pre-clearing survey will consist of: <ul style="list-style-type: none"> ○ Saturated arboreal Elliot B trapping throughout the study site (particularly on and directly adjacent to the hollow bearing trees) to maximise the likelihood of capturing site-dependant animals on the night before clearing; and ○ Stag watches on the hollow-bearing trees to see if key roosts (maternity, nursery, hibernation) are present or to identify hollows subject to usage as Squirrel Glider den sites at the time of the clearing. ○ The Elliot B traps are to be checked and removed at dawn the following morning prior to the commencement of any clearing work. All hollow-bearing tree felling is to be completed on the day following trapping. If all hollow-bearing trees requiring removal are unable to be fallen the day following trapping, further hollow-bearing tree removal may only commence the day after a second night of trapping. ○ Any captured fauna are to be kept in a shaded area and released after sunset that evening in the retained vegetation. 	For the duration of the subdivision

	<ul style="list-style-type: none"> • If a tree is found to contain a key bat roost, this tree is not to be removed until the bats complete the key lifecycle stage and move on. This will have to be determined via periodic monitoring (i.e. stag watching and inspection with a remote infrared camera). Once the bats have moved on, the hollow bearing tree removal protocol will apply. • The 5 hollow bearing trees likely to require removal are to be removed in a way that will minimise the risk of injury/mortality of denning/roosting fauna (particularly the Squirrel Glider), within the practical and legal limitations of Occupational Health and Safety (OH&S) guidelines/legislative requirements. • Potential hollows in limbs on tree #383 are to be lopped by an arborist, and lowered to the ground via ropes. These limbs are to be carried to the 7(d) zone, and gently lowered to the ground with all openings exposed upwards to allow any resident fauna (which has not evacuated during felling) to emerge at dusk. Tree 627 is to be assessed by a consulting arborist in regards to the practicality of retaining this tree by pruning of dangerous crown limbs. If this is not possible, the top half of this tree (>5m from ground to try and avoid the chimney) should be cut and dropped, and the stump left till dusk for any bats to <p>The following tree/habitat protection measures will be required to be undertaken to protect the retained habitat/trees during construction. These include:</p> <ul style="list-style-type: none"> • All trees/habitat to be retained or removed should be clearly mapped on a site plan (ie a clearing plan) and marked on site (eg with a specific coloured flagging tape or fencing off) to ensure construction activities do not result in accidental damage or removal. • All practical measures possible are to be undertaken to protect retained trees/habitat to maintain long term health eg fencing off the area with temporary fencing during the length of the construction period. Appropriate guards approved by an arborist are to be installed to prevent physical damage to the trunk where setback via fencing is not practical/possible, and other additional measures (eg mulch placed over roots) are to be implemented to protect the health of the tree. Appropriate measures approved by a consulting arborist are to be taken when roots must be trimmed during any excavation works. • Machinery and vehicles should avoid being used or parked directly adjacent to trees which are to be retained to avoid soil compaction. If unavoidable, soil compaction and tree protection measures will be required. • Specific instruction to staff/contractors on what trees and habitat is to be retained, their significance and measures to be undertaken to avoid damage to them. Contracts are to contain clauses for penalty for non-compliance. • No disposal of cement wastes, construction material or washdown near the retained vegetation. <p>Mixing of imported soils with site soils outside the development/dwelling footprint should be avoided to minimise risk of disease and pathogenic fungus transfer.</p> <p>Clearance of hollow-bearing trees within the identified survey area shall be completed in accordance with the procedures identified by Umwelt (2004) to minimise the impacts to any arboreal fauna present.</p> <p>Any fill required to be imported to the site shall be either '<i>virgin excavated natural materials</i>' or suitable for classification as inert under the Department of Environment & Climate Change Guidelines.</p>	
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4	Statutory Requirements	<p>The following approvals will be obtained and maintained for the residential subdivision:</p> <ul style="list-style-type: none"> • Construction Certificate from Kempsey Shire Council or other Accredited Certifier; • Subdivision Certificate issued from Kempsey Shire Council; • Section 138 Consent for roadwork under the Roads Act 1993; • Country Energy certification; • Telstra certification; • Macleay Water Compliance certification; • Department of Land and Property Information registration; <p>Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Kempsey Shire Council in accordance with the Environmental Planning and Assessment Act/ Regulations.</p> <p>A final plan of subdivision and Section 88B instrument will be prepared for the development. The Section 88B instrument will provide easements for utility services that encroach onto private land or public reserves.</p>	For the duration of the subdivision
5	Landscaping	<p>Indigenous plant species shall be used for landscaping on the site generally, in accordance with the Landscape Principles Plan prepared by King & Campbell (July 2006). A detailed Landscape Plan is to be submitted for approval with the Construction Certificate application. Specifically, such species should include Eucalypts, Grevilleas, Banksias, Melaleucas, Acacias, Allocasuarinas and Callistemons (especially Winter-flowering species which are useful for the Squirrel Glider, honeyeaters and Grey Headed Flying Fox eg Banksia integrifolia), and fruiting rainforest species such as Brush Cherry (Syzygium australe), figs, Acronychia littoralis, etc.</p> <p>Plantings shall not be planted in parkland style or isolated trees and should be planned to relocate a natural (layered) structure. This multi-layered planting can provide affective aesthetics while supporting passerine birds, bats and canopy species such as arboreal mammals.</p> <p>Flammability of vegetation chosen – avoidance of continuity of vegetation to ensure minimal flammable fuels present.</p>	Prior to the release of the subdivision certificate.

		<p>All trees to be planted within the proposed public roads and reserves shall be identified on engineering plans submitted to Kempsey Shire Council with the Construction Certificate application.</p> <p>All trees that are unsuitable for retention, or have been identified for removal due to the provision of services or infrastructure shall be removed and mulched on site.</p> <p>Timber will be recycled as mulch throughout the landscape strategy. All hollow-bearing limbs (unsuitable for remounting as per section 6.1.6) and tree sections, as well as the main trunk sections of other trees, are to be transported to suitable portions (where machine access is safe by OH&S requirements, and avoids damage to existing habitat) of the 7(d) zone. These are to be stacked in small piles or laid out strategically in this area to provide habitat (refugia and foraging substrate) for native species.</p>	
6	Soil Erosion	Seascope Grove will prepare a soil and water management plan to control runoff during construction in accordance with the principles of the Landcom publication <i>Managing Urban Stormwater (MUS): Soils and Construction Volume 1, 4th Edition</i> and Construction Certificate plans approved by Kempsey Shire Council or an accredited certifier	Prior to the release of the construction certificate.
7	Public Roads Dedication	Public Roads, including areas containing stormwater management facilities, will be dedicated to Kempsey Shire Council.	Prior to the release of the subdivision certificate.
8	Ecological Management	<p>Timber will be recycled as mulch throughout the landscape strategy.</p> <p>The Management Plan to include the recommendations of the Darkheart 2009 report.</p> <p>The following measures to be commenced with the next stage of the Seascope Grove Estate road construction:</p> <ul style="list-style-type: none"> • Implementation of the recommendations of the Tree Management Plan • Implementation of the Pre-clearing strategy, nest box requirements and Hollow Bearing Tree Removal protocols detailed in Section 6 of the Darkheart 2009 report, including: <ul style="list-style-type: none"> ○ No domestic stock are to be kept on Lot 800, which has the capacity to be used for keeping of such, via restrictive title covenant (King and Campbell 2009). ○ Cats are to be confined indoors between sunset and sunrise via restrictive covenant (King and Campbell 2009). This is essential to avoid pet predation of the Phascogale and Squirrel Glider, which are particularly sensitive (NSWSC 2000a, Dickman 1996, Grayson and Galver 2004, May 1997, Smith and Murray 2003, Smith 2002a, Faulding and Smith 2008, Barratt 1997). Any dogs should be restricted to the residential Lots unless on a lead. No pets should be allowed to roam through the adjacent bushland in the general area. ○ Feral bee hives should be exterminated on detection to prevent new hives being established. Indian Mynas should not be encouraged to feed on site (eg by provision of seed, etc by residents), and if detected nesting on-site, they should be reported to the NPWS/DECCW, the Catchment Management Authority, or Council for appropriate action to be undertaken (ie nest destruction and trapping). ○ Removal of trees near retained habitat may not be suitable to be removed via standard removal practices. An arboricultural consultant is recommended to advise and if necessary supervise the proper removal method of such trees to avoid potential impacts to retained trees. 	For the duration of the subdivision

		<p>Sawing down of trees and stump grinding is considered likely to be the best method where a potential risk is identified.</p> <ul style="list-style-type: none"> ○ All prospective buyers should be advised of the limitations/restriction and the implications imposed upon them. This could include the compilation of an information booklet (including a copy of Darkheart's 2009 ecological impact assessment as background information) distributed with the title deed to establish resident awareness. ○ A minimum of 20 nest boxes designed to suit Yangochiropteran bats, Squirrel Gliders and Brushtailed Phascogale are to be constructed and erected at least 8 weeks before clearing commences to allow adoption by target fauna. Post-tree felling, the total number of hollows in the fallen trees will indicate the final number of replacement nest boxes required. After being erected for 12 months, it is recommended that a qualified ecologist inspect the nest boxes to determine whether they are in use and/or if they have been invaded by ants and/or feral honeybees and require treatment for fauna occupation. ○ The constructed nest boxes are recommended to be made out of at least 20mm thick marine ply to maximise their longevity (ie minimise weathering and termites and fungi activity) and insulative properties. They are to be predominantly designed to suit Squirrel Gliders and Phascogales, though several should be designed specifically to suit Yangochiropteran bats. The design should not encourage their use by either feral honeybees or Indian Mynas. 	
9	Archaeological	<p>If any artefacts or sites of Aboriginal significance are uncovered during site works, all work shall cease immediately and the NSW Department of Environment and Climate Change shall be notified immediately to advise of the requirements prior to re-commencing works.</p> <p>Local Aboriginal Land Council representatives shall be present during disturbance of the upper 20cm of natural soil during earthworks on the site.</p> <p>Undertake an Aboriginal Heritage Survey of the proposed Lot 700 prior to filling works being undertaken.</p>	During construction.
10	Bushfire	<p>Asset protection zones shall be provided to the western boundaries of proposed Lots 618 to 622 inclusive. An 88B instrument shall ensure that proposed Lots 618-622 inclusive and proposed Lot 700 adequately manage the nominated Asset Protection Zones and combustible fuels within the landscaped gardens.</p> <p>Seascope Grove will install fire hydrants in accordance with Australian Standard S2419.1-1994. Hydrants will be made accessible and located so that a tanker can park within a distance serviceable by a 20 metre hose and so that all houses are within 70 metres of a hydrant</p> <p>Fuel management within the Asset Protection Zones shall be in accordance with the recommendations of Appendix 5.4 & 5.5 of <i>Planning for Bushfire Protection 2006</i> and the Rural Fires Service '<i>Standards for Asset Protection Zones</i>'.</p> <p>Adoption and implementation of the recommendations of the Bushfire Hazard Assessment completed by Australian Bushfire Protection Planners Pty Ltd (Dated 3 November 2007) which includes:</p> <ol style="list-style-type: none"> 1. Asset Protection Zones shall be provided to the widths as nominated in Table 6. (Refer to Attachment D – "Plan of Bushfire Protection Measures"). 2. The Asset Protection Zones and the landscape gardens within each lot shall be maintained as an Inner Protection Area in accordance with 	Prior to the release of the subdivision certificate.

		<p>Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's "Specifications for Asset Protection Zones".</p> <p>Management of the landscaped gardens shall comply with the following:</p> <ul style="list-style-type: none"> • Maintain a clear area of low cut lawn or pavement adjacent to the buildings; • Keep areas under fences, fence posts, gates & trees raked and clear of combustible fuels; • Utilise non-combustible fencing and retaining wall structures; • Separate the tree canopy and shrub connectivity with defined landscaped garden beds; • Maintain tree canopies and shrubs so that they are clear of the building by at least two metres; • Utilise non-flammable materials such as Scoria, pebbles and recycled crushed bricks as ground cover to landscaped gardens in close proximity to buildings; • Maintain minimal fine fuel loading at ground level within the Inner Protection Area and landscaped area (nominally 3 tonnes / hectare); • Trees and shrubs are acceptable provided that they are spread out and do • not form a continuous canopy, are not species that retain dead material • and are located away from the buildings to minimize radiant heat and • direct flame attack. • • Landscape species selection shall be drawn from those that are • considered to be species which are "fire retardant" and do not promulgate • the spread of fire. <p>3. An 88B Covenant, in accordance with the provisions of the Conveyancing Act of 1919, shall be created on the title of the future Integrated Development lot [Lot 700], Lots 618 – 622 and the residual Lot 800 formed by the subdivision of Stage 1C to ensure the ongoing management of the landscaped gardens/residual vegetation within the development in accordance with the prescriptions of an Inner Asset Protection Zone.</p> <p>4. The minimum construction standard to the future dwellings on the Integrated Development site [Lot 700] in Stage 1C shall be Level 1 construction standard, in accordance with the specifications of Australian Standard A.S 3959 - Second Edition 1999 and Amendment 1, 2000, "Construction of Buildings in Bushfire Prone Areas".</p>	
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11	Public Utilities	<p>Seascope Grove will provide reticulated potable and non-potable water supply system, sewerage and underground electricity to each residential allotment.</p> <p>Seascope Grove will provide a reticulated water connection to any public reserve.</p> <p>Seascope Grove shall make satisfactory arrangements with Telstra for the provision of underground telephone plant to each allotment. A letter from Telstra stating that satisfactory arrangements have been made for the provision of telephone plant supply to this development shall be provided to Kempsey Shire Council.</p> <p>Seascope Grove shall make satisfactory arrangements with Country Energy for the supply of electricity to each lot. A letter from Country Energy stating that satisfactory arrangements have been made for the provision of electricity supply to this development shall be provided to Kempsey Shire Council.</p> <p>Seascope Grove shall bear the cost of the relocation of utility services required as a result of construction of the development.</p>	Prior to the release of the construction certificate.
12	Water Supply and Quality Management	Seascope Grove will create all easements to the satisfaction of Kempsey Shire Council to cover all stormwater assets.	Prior to the release of the subdivision certificate.
13	Noise	Hours of construction shall be limited to 7:00am to 6:00pm, Monday to Fridays and 7:00am to 12:00 noon Saturdays.	For the duration of the subdivision

14	Roads	<p>Street signs (Kempsey Shire Council and RTA requirements)</p> <p>Internal Roads shall be designed and constructed in accordance DCP No.36 '<i>Engineering Guidelines for Subdivision and Development</i>' having regard for current applicable Australian Standards, Council policy and good engineering practice..</p> <p>Footpaths / Cycle-paths (pedestrian access and mobility plan under DCP No. 36 <i>Engineering Guidelines for Subdivision and Development</i>).</p> <p>Stormwater pipelines shall extend upstream of the handle between Lot 617/618 and collect all stormwater runoff in accordance with Council's DCP to ensure that no localised flooding impacts on Lots 617 and 618</p>	Prior to the release of the subdivision certificate.
15	Contributions	<p>Seascope Grove will pay contributions in accordance with Kempsey Shire Councils <u>Section 94 Contribution Plan - Project Administration</u> and <u>South West Rocks Section 94 Contributions Plan</u> on an 'ET' basis. There are no credits sought for any works completed.</p> <p>Seascope Grove will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.</p> <p>Seascope Grove will submit an application for a Certificate of Compliance pursuant to Section 305 of the <i>Water Management Act 2000</i> and the lodgement of a Certificate of Compliance indicating the requirements of Section 306 of the <i>Water Management Act 2000</i> have been met.</p> <p>Payment of a contribution in accordance with Kempsey Shire Council Macleay Water Development Servicing Plan for Sewerage Services "Developer Charge" at the applicable rate for an Equivalent Tenement ET shall be paid prior to the issue of the Subdivision Certificate.</p> <p>Payment of a contribution in accordance with Kempsey Shire Council Macleay Water Development Servicing Plans for Water Supply Services "Developer Charge" at the applicable rate for an Equivalent Tenement ET shall be paid prior to the issue of the Subdivision Certificate.</p> <p>Extension of the town water supply main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plan and calculations are to be submitted for approval prior to the issue of the Construction Certificate.</p> <p>Extension of the town sewer main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to the issue of the Construction Certificate.</p> <p>Provision of a reclaimed water reticulation main in addition to the potable main to service all the proposed allotments in this stage of the development and designed in accordance with the supplement to the Water Supply Code of Australia WSA 03-2002 and having consideration any additional requirements specified by Kempsey Shire Council's Macleay Water. Detailed plans are to be submitted for approval prior to the issue of the Construction Certificate.</p>	Prior to the release of the subdivision certificate.
16	Design	<p>Design controls will be prepared by Seascope Grove and implemented for the residential lots through the use of positive covenants on the titles to the lots.</p> <p>All residential dwellings shall be subject to the satisfaction of the neighbourhood scheme for Seascope Grove and shall be required to demonstrate compliance prior to the lodgement of plans with Kempsey Shire Council.</p> <p>Provide a suitable restriction on use on all lots with frontage to the unformed Crown Road to the west of the development that prohibits vehicular and pedestrian access across that common boundary.</p>	Prior to the release of the subdivision certificate.

		<p>No residential lots shall be created unless there is available</p> <ol style="list-style-type: none"> 1. A connection to dispose of stormwater to Councils system 2. Water and Sewer connection points 3. Electricity and Telstra Reticulation connections . 4. A connection to a dedicated public road. <p>Artificial lighting shall be kept to a minimum as per the recommendations of Darkheart's 2009 report, section 6.2.3, which reads:</p> <ul style="list-style-type: none"> • To ensure anthropogenic impacts are minimised, it is recommended that artificial lighting be kept to a minimum and be of a localised and low luminosity, with light directed to the ground and not into vegetation. 	
17	Lot 900	<p>Provide a right of carriageway over the existing driveway to Burrawong Drive.</p> <p>Provide a restriction on Use limiting further development on Lot 900 unless such development is in accordance with Major Project Approval MP 07-0129 or any such further development as may be approved by the Department of Planning.</p> <p>Provide clearances from Country Energy and Telstra regarding the provision of electrical reticulation and telephone services to the existing residence</p> <p>Payment to the Kempsey Shire Council of the Section 94 and Section 64 charges detailed in 15 above for one additional allotment together with submission to Kempsey Shire Council of a subdivision certificate application.</p>	