

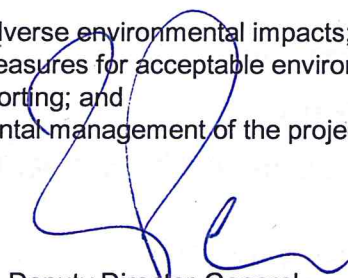
Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the project application referred to in schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Deputy Director-General
Development Assessment and Systems Performance
Department of Planning and Infrastructure

Sydney

21 May

2012

SCHEDULE 1

Application No.:	09_0019
Proponent:	Shannon Pacific Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 4 DP 1022342
Project:	Riverside Tourist Cabins at New Entrance Rd, South West Rocks, including: • 9 holiday cabins for short-term tourist accommodation providing 5 x 1 bedroom and 4 x 2 bedroom cabins • Civil services (power, water and sewerage) • A new access point off Marlin Drive • Landscaping, including internal pedestrian pathways • Construction of a bitumen sealed internal access road with crushed rock driveways • A constructed wetland buffer between the cabins and SEPP14 wetland • Stormwater management measures • Rehabilitation of the SEPP14 wetland in accordance with an approved Wetland Management Plan • Filling of the site to 1.9m AHD to address flooding, and • Boardwalk and pathway into the constructed wetland.

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DEFINITIONS

Advisory Notes	means advisory information relating to the approved project but do not form a part of this approval.
BCA	means Building Code of Australia
Council	means Kempsey Council.
Certifying Authority (CA)	means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates.
Construction Certificate	means a construction certificate for bulk earthworks or civil works unless specified otherwise.
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
OEH	means the Office of Environment & Heritage or its successors.
Department	means the Department of Planning & Infrastructure or its successors.
Developer	means anyone acting on behalf of the proponent.
Director-General	means the Director-General of the Department or his/her nominee.
Ecological Assessment	means the report by James Warren and Associates provided with the Environmental Assessment dated November 2010.
Environmental Assessment	means the Environmental Assessment prepared by Geolink and dated March 2011, including all Appendices
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Occupation Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
Minister	means the Minister for Planning and Infrastructure
PCA	means Principal Certifying Authority, as defined in the <i>Environmental Planning & Assessment Act 1979</i>
Preferred Project Report	means the Preferred Project Report prepared by Geolink dated 2012 and supplementary information provided by the proponent up until 4 April 2012.
Project	means the project as described in Schedule 1
Proponent	means Shannon Pacific Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
Site	means the land identified in Schedule 1.
Subdivision Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Terms of Approval

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) Environmental Assessment prepared by Geolink dated March 2011;
 - (b) Submissions and Preferred Project Report prepared by Geolink dated 2012;
 - (c) Revised Statement of Commitments at Schedule 3;
 - (d) Conditions of this approval; and
 - (e) The following drawings:

Drawing No.	Revision	Name of Plan	Date
1 of 11	G	Site Plan	10.04.12
2 of 11	F	1 Bedroom Cabin (Cabins 2, 5, 7 & 9)	06.12.11
3 of 11	F	1 Bedroom Cabin (Cabins 2, 5, 7 & 9)	06.12.11
4 of 11	F	1 Bedroom Cabin (Cabin 3)	06.12.11
5 of 11	F	1 Bedroom Cabin (Cabin 3)	06.12.11
6 of 11	F	2 Bedroom Cabin (Cabin 8)	06.12.11
7 of 11	F	2 Bedroom Cabin (Cabin 8)	06.12.11
8 of 11	F	2 Bedroom Cabin (Cabins 1 and 4)	06.12.11
9 of 11	F	2 Bedroom Cabin (Cabins 1 and 4)	06.12.11
10 of 11	E	2 Bedroom Disabled Person Cabin (Cabin 6)	02.08.10
11 of 11	E	2 Bedroom Disabled Person Cabin (Cabin 6)	02.08.10
E1	A	Constructed Wetland Design	16.12.11

Development Description

- A2. Except as amended by the conditions of this approval, project approval is granted only to the carrying out the development as described in Schedule 1.

Inconsistencies Between Documents

- A3. (a) In the event of any inconsistency between the documentation referred to in condition A1, the most recent document shall prevail to the extent of the inconsistency.
- (b) In the event of any inconsistency between conditions of this approval and documents referred to in condition A1, including the Proponent's Statement of Commitments, the conditions of this approval shall prevail.

Lapsing of Approval

- A4. This project approval shall lapse five years after the date on which it is granted, unless the works associated with the project have physically commenced.

Staging

- A5. The project is to be constructed in stages as generally described below:
- 1). Stage 1 – general site preparation, earth works, construction of the wetland and construction of the floodgate and commencement of wetland rehabilitation;
 - 2). Stage 2 – Civil services (power, water and sewerage) and road;
 - 3). Stage 3 – Cabins 1, 2 and 6, associated landscaping and footpaths;
 - 4). Stage 4 – Cabins 3 and 4 and associated landscaping and footpaths;
 - 5). Stage 5 – Cabins 5 and 7 and associated landscaping and footpaths;
 - 6). Stage 6 – Cabins 8 and 9 and associated landscaping and footpaths, complete all landscaping and constructed boardwalk and pathway into constructed wetland.

Statutory Requirements

- A6. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the Project.

Approvals Under Section 68 of the Local Government Act 1993

- A7. The Proponent is required to obtain all relevant approvals as required under Section 68 of the *Local Government Act 1993* from Council.

Road Works

- A8. All road works associated with the proposal will be at no cost to Council or Department of Primary Industries (Crown Lands Division).

Section 94 Monetary Contributions

- A9.
- a) Contributions plans relevant to the project include:
 - i. South West Rocks Section 94 Contribution Plan
 - ii. Section 94 Contribution Plan: Plan Administration
 - b) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional cabins created by each stage, the following monetary contributions:

South West Rocks Section 94 Contribution Plan			
Stage	No. of EP *	Rate	Subtotal
Stage 1	-	-	\$0
Stage 2	-	-	\$0
Stage 3	1.5	\$4,942	\$7,413
Stage 4	0.9	\$4,942	\$4,447.80
Stage 5	0.6	\$4,942	\$2,965.20
Stage 6	0.9	\$4,942	\$4,447.80
Section 94 Contribution Plan: Plan Administration			
Stage	No. of EP *	Rate	Subtotal
Stage 1	-	-	\$0
Stage 2	-	-	\$0
Stage 3	1.5	6% of SW Rocks s94 Plan	\$444.78
Stage 4	0.9	6% of SW Rocks s94 Plan	\$266.87
Stage 5	0.6	6% of SW Rocks s94 Plan	\$177.91
Stage 6	0.9	6% of SW Rocks s94 Plan	\$266.87
Total Section 94 Contributions Payable			
Stage 1		\$0	
Stage 2		\$0	
Stage 3		\$7,857.78	
Stage 4		\$4,714.67	
Stage 5		\$3,143.11	
Stage 6		\$4,714.67	
TOTAL		\$20,430.23	

* Based on EP of 0.3 per 1 bedroom cabin and 0.6 per 2 bedroom cabin

- c) The contribution shall be paid in the form of cash or bank cheque, made out to Kempsey Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.
- d) Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a construction certificate for each relevant stage of the project.
- e) The contribution for land will be adjusted in accordance with the latest annual valuations.

Section 64 Monetary Contributions

- A10.
- a) Development Servicing plans relevant to the project include:
 - i. Macleay Water Development Servicing Plans for Water Supply Services FINAL July 2006

ii. Macleay Water Development Servicing Plans for Sewerage Supply Services FINAL July 2006

- b) The Proponent shall pay, in proportion to the additional cabins created by each stage, the following monetary contributions:

Macleay Water Development Servicing Plans for Water Supply Services FINAL July 2006			
Stage	No. of ET **	Rate *	Subtotal
Stage 1	-	-	\$0
Stage 2	-	-	\$0
Stage 3	1.5	\$8,658	\$12,987
Stage 4	1.0	\$8,658	\$8,658
Stage 5	1.0	\$8,658	\$8,658
Stage 6	1.0	\$8,658	\$8,658
Macleay Water Development Servicing Plans for Sewer Supply Services FINAL July 2006			
Stage	No. of ET **	Rate *	Subtotal
Stage 1	-	-	\$0
Stage 2	-	-	\$0
Stage 3	1.8	\$7,304	\$13,147.20
Stage 4	1.2	\$7,304	\$8,764.80
Stage 5	1.2	\$7,304	\$8,764.80
Stage 6	1.2	\$7,304	\$8,764.80
Total Section 64 Contributions Payable			
Stage 1		\$0	
Stage 2		\$0	
Stage 3		\$26,134.20	
Stage 4		\$17,422.80	
Stage 5		\$17,422.80	
Stage 6		\$17,422.80	
TOTAL		\$78,402.60	

** Based on ET of 0.5 ET per cabin for water supply services and 0.6 ET per cabin for sewer supply services as per NSW Water Directorate Section 64 Determinations of ETs Guidelines – Water Directorate, 2005.

- c) The contribution shall be paid in the form of cash or bank cheque, made out to Kempsey Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.
- d) Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a construction certificate for each relevant stage of the project.
- e) The contribution for land will be adjusted in accordance with the latest annual valuations.

Prescribed Conditions

- A11. The Proponent shall comply with all relevant prescribed conditions of the project approval under Part 6, Division 8A of the Regulation.

Director General as Moderator

- A12. Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

Legal notices

- A13. Any advice or notice to the approval authority shall be served on the Director-General.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Wetland Management

- B1. A detailed **Wetland Management Plan** shall be submitted to and approved by the Director-General prior to issue of a Construction Certificate for Stage 1 works. The Wetland Management Plan shall be in accordance with the approved Wetland Management Plan prepared by James Warren and Associates Pty Ltd dated November 2010 prepared for Shannon Pacific Pty Ltd, and shall include the following additional details:
- a) A water quality monitoring program for monitoring water quality on the upstream side of the Government Road culvert and the upstream side of the New Entrance Road culvert on Back Creek before and during tidal inundation. Water quality monitoring must be undertaken as follows:
 - i. Before the restoration of tidal flows to provide baseline levels (to be undertaken weekly over two weeks);
 - ii. During the initial inundation (to be undertaken weekly for a minimum period of 6 weeks); and,
 - iii. At each significant increase in tidal exchange capacity (at the commencement of Stage 2 and Stage 3 of inundation) to be undertaken weekly for a minimum period of 6 weeks.
 - iv. The monitoring program must be developed in accordance with DPI's Information Sheet – 'Water quality monitoring in acid sulfate soil areas' – December 2002.
 - v. Parameters selected for the monitoring program shall include, at a minimum:
 - pH;
 - Electrical conductivity;
 - Titratable acidity.

Landscaping

- B2. A detailed **Landscape Plan** shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stage 1. The Plan shall, at a minimum, include the following:
- a) A planting schedule shall be included, listing all plants by botanic and common names. Species selection shall be limited to locally occurring native species.
 - b) Details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - c) Paths, directional fencing and signage to ensure occupants of the cabins do not enter the SEPP14 wetland shall also be provided on the site.
 - d) Landscaping to the site is to comply with the principles of Appendix 5 of '*Planning for Bush Fire Protection 2006*'.
 - e) Details showing how all landscaping elements under the plan shall be maintained in accordance with the Plan into perpetuity.

Integrated Water Cycle Management Plan

- B3. The Proponent shall engage a suitably qualified person to prepare a detailed **Integrated Water Cycle Management Plan** to be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The Plan shall be in accordance with the Amended Stormwater Management Plan contained in the PPR. The Plan shall also address stormwater and groundwater management for all stages of the project and must include the following measures (at a minimum):
- a) Detailed engineering designs for stormwater, drainage and water sensitive urban design measures at the site, including rainwater tanks, bioretention swales, pervious parking areas and the constructed wetland.
 - b) Water Sensitive Urban Design measures are to be designed in accordance with the "*National Guidelines for Evaluating Options for Water Sensitive Urban Design 2009*"
 - c) Stormwater mitigation measures shall be designed to comply with section 120 of the *Protection of the Environment Operations Act 1997* to prohibit the pollution of waters from the operation of the Project.
 - d) The works shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table.
 - e) The base of the constructed stormwater wetland shall be lined with an impermeable base such as a compacted clay liner or geotextile, to prevent stormwater discharge to the groundwater.
 - f) The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

- g) A maintenance plan for all stormwater mitigation measures including Water Sensitive Urban design to be maintained to their design specifications into perpetuity.
- h) The design of the constructed wetland must be in accordance with any Harvestable Right Order published under Section 54 of the *Water Management Act 2000*.
- i) The Plan must be compatible with the Wetland Management Plan required by Condition B1.

Acid Sulfate Soil Management Plan

B4.

- f) An **Acid Sulfate Soil Management Plan** shall be prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for Stage 1 works.
- g) The Plan must be compatible with the Wetland Management Plan required by Condition B1.

Outdoor Lighting

- B5. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 3 works.

Access for People With Disabilities

- B6. Cabin 6 must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and *Disability (Access to Premises-Buildings) Standards*. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings for Stage 3 works.

Erosion and Sedimentation Control

- B7. The Proponent shall engage a suitably qualified person to prepare a **Sediment and Erosion Control Plan**. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 works. The Plan is to include special consideration of measures required to protect the SEPP14 wetland, particularly during excavation of the constructed stormwater wetland.

Flood Management

B8.

- a) The Proponent must demonstrate to the satisfaction of Council that the development has been designed such that minimum habitable floor levels are able to be located above the flood planning level of 3.25m AHD, or as determined by Council's flood policy as in force at the time of issue of the Construction Certificate for each stage.
- b) Each stage of the development must be designed to ensure that the flood management (including evacuation measures to ground above the Probable Maximum Flood) arrangements for the site (as it relates to the relevant stage of the project) is consistent with South West Rocks Riverside Cabins Flood Study dated March 2010 and the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010* or successive document.
- c) The Proponent must demonstrate to the satisfaction of the Certifying Authority that the development has been designed such that the site is filled to 1.9m AHD. Details of the source and quality of fill are to be submitted to the Certifying Authority.
- d) The impact of the recommended fill level of 1.9 m AHD should be confined to the area of Vegetation Community 5 – grassland with scattered trees.

Cabin Structural Details

- B9. Prior to issue of a Construction Certificate for Stage 3 works, the Proponent shall submit, to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate that all cabins have been designed to withstand the forces of flood flows across the site during a Probable Maximum Flood event and comply with:

- a) the relevant clauses of the BCA,
- b) the project approval, and
- c) drawings and specifications comprising the Construction Certificate.

Noise Management

- B10. Prior to the issue of a Construction Certificate for Stage 3 works, the Proponent shall submit, to the satisfaction of the Certifying Authority, detailed engineering drawings that demonstrate that the construction of cabins will ensure that a minimum noise level reduction (Rw rating) of 30 dB(A) is achieved within all cabins. This could include the use of either thicker glass or acoustic seals on windows.

Air Conditioners

- B11. Prior to the issue of a Construction Certificate for Stage 3 works, the Proponent shall submit, to the satisfaction of the Certifying Authority, detailed engineering drawings that demonstrate all cabins will be fitted with an air conditioning unit.

Sewage Management

- B12. Prior to the issue of a Construction Certificate for Stage 3 works, the Proponent shall submit, to the satisfaction of the Certifying Authority, detailed engineering drawings that demonstrate the two package sewage pump stations have been fitted with the following:
- a) An audible and visual alarm to sound when there is any malfunction of the pumping system or when sewage levels are too high.
 - b) A modern type telemetry system that will send an SMS to the mobile phone of the lessee when the alarm is triggered.
 - c) A standby pump to pump automatically in the event of the duty pump failing.

Bushfire Management

- B13. Prior to the issue of a Construction Certificate for Stage 1 works, the Proponent shall submit, to the Certifying Authority evidence that the site layout complies with the following:
- a) The separation of the proposed tourist cabins shall be in accordance with Illustration 3.1, APZ and Radiant Heat Offsets, contained in the Preferred Project Report.
 - b) Water, Electricity and Gas shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006*.
 - c) The internal road shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006* and the entrance way to the parking area shall be a minimum of 6.5 metres in width.
 - d) Cabins shall be constructed to comply with Section 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bushfire prone areas* and Section A3.7 Addendum Appendix 3 *Planning for Bushfire Protection 2006*.
 - e) Landscaping around each cabin shall comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
 - f) An Emergency Evacuation Plan is to be prepared in line with NSW RFS document *Guidelines for the Preparation of an Emergency/Evacuation Plan*.

Building Management Plan

- B14.
- a) Prior to the issue of a Construction Certificate for Stage 3 works, the Proponent shall provide a **Building Management Plan** to the Certifying Authority.
 - b) The Plan must set out the framework for the operation of the tourist cabins and demonstrate that the buildings are not to be used for permanent occupation.
 - c) The Plan must clearly state that use of the individual tourist cabins is to be for short stay tourist accommodation purposes only and no cabin is to be occupied by a person for more than 42 consecutive days or in aggregate no more than 150 days in any 12 month period.
 - d) The Plan must clearly state the process to follow in the event of pump failure in either of the two package sewage pump stations.

Utilities

- B15. Prior to the issue of a Construction Certificate for Stage 1 works, the Proponent shall provide written evidence to the Certifying Authority from the relevant service providers for telecommunication, electricity and water, that satisfactory arrangements have been made for the provision of their respective services to the site.

Compliance Report

- B16. Prior to the issue of a Construction Certificate for each stage of the project, the proponent shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Construction Environmental Management Plan

C1.

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters where relevant:
 - i) hours of work,
 - ii) 24 hour contact details of site manager,
 - iii) traffic management
 - iv) noise and vibration management, prepared by a suitably qualified person
 - v) management of dust to protect the amenity of the neighbourhood
 - vi) erosion and sediment control,
 - vii) a contingency plan for any events during construction that have the potential to pollute or contaminate surface water or groundwater, including threshold levels, remediation actions and communication strategies for the effective management of such an event.
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - x) flora and fauna management, and
 - xi) protection of the SEPP14 wetland.
- b) The CEMP must not include works that have not been explicitly approved in the project approval. In the event of any inconsistency between the approval and the CEMP, the approval shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

Traffic & Pedestrian Management Plan

C2.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site,
 - ii) loading and unloading, including construction zones,
 - iii) predicted traffic volumes, types and routes, and
 - iv) pedestrian and traffic management methods.
- c) The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

Excavation Works

- C3. 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 Subject Site.

Contact Telephone Number

- C4. Prior to the commencement of construction, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Construction Management Measures

- C5. All measures contained in the Construction Environment Management Plan under condition C1 and the Sediment and Erosion Control Plan under condition B7 are to be implemented prior to the commencement of construction and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

Water Licensing

- C6. Prior to the commencement of construction of Stage 1 works the Proponent must obtain all relevant licences under the *Water Management Act 2000* and the *Water Act 1912* from the Office of Water for all activities that intercept or extract groundwater and surface water.

Aboriginal Cultural Heritage

- C7. Prior to the commencement of construction of Stage 1 works the Proponent shall undertake the following:
- a) Consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.
 - b) The Proponent is to provide fair and reasonable opportunities for the registered Aboriginal stakeholders to monitor any initial ground disturbance works associated with project. In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks and Wildlife Act 1974*.
 - c) An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.

Protection of Trees – On-site Trees

- C8. No trees have been approved for removal. Prior to the commencement of construction all trees on the site that may be threatened by the works are to be suitably protected in accordance with AS 4970-2009 *Protection of trees on development sites*, by way of tree guards, barriers or other measures as necessary in order to protect tree root systems, trunks and branches, during construction. Tree protection works shall be carried out by a suitably qualified arborist.

Retaining Walls

- C9. Any retaining walls and/or shoring must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the BCA and Australian Standards. Details of proposed retaining walls and/or shoring are to be submitted to and approved by Council prior to commencing such excavations or works.

SEPP14 Wetland

- C10. Prior to the commencement of works for any stage of the project, the resurveyed SEPP14 wetland boundary must be clearly delineated on-site to prevent access to this area. Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect this sensitive area. Design of the temporary fence should allow movement of the Eastern Grey Kangaroo community present in the area.

Stakeholder Steering Committee

- C11. Prior to the commencement of works for any stage of the project, a Stakeholder Steering Committee shall be established to guide rehabilitation of the SEPP14 wetland and review the progress of the management and monitoring programs detailed within the approved **Wetland Management Plan**. The committee must include representatives from the following key agencies:
- a) NSW Office of Water
 - b) Northern Rivers Catchment Management Authority
 - c) Department of Primary Industries – Fisheries Division
 - d) Department of Primary Industries – Crown Lands Division
 - e) Kempsey Shire Council

PART D – DURING CONSTRUCTION

Erosion and Sediment Control

- D1.
- a) All erosion and sediment control measures are to be effectively implemented and maintained in accordance with the Sediment and Erosion Control Plan as required by Condition B7
 - b) All erosion and sediment control measures are to be effectively 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.

- c) After each storm event a suitably qualified person shall assess the adequacy of the erosion control measures and make good any damaged erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

Disposal of Seepage and Stormwater

- D2. 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.

Approved Plans to be On-site

- D3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- D4. A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) 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;
 - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) 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
 - d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Protection of Trees

- D5. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council. All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Hours of Work

- D6. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 1:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) Works may be undertaken outside these hours where:
 - i. the delivery of materials is required outside these hours by the Police or other authorities;
 - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii. Variation is approved in advance in writing by the Director General or his nominee.

Construction Noise Management

- D7.
- a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:
 - i. For the first four weeks of the construction period, not more than 20dB(A);
 - ii. From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - iii. For construction periods greater than 26 weeks, not more than 5dB(A).
 - b) Background noise levels are those identified in Environmental Assessment or otherwise identified. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
 - c) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Environmental Management Plan as required by Condition C1.

- d) 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.
- e) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Environmental Management Plan.
 - i. 9.00 am to 12.00 pm, Monday to Friday;
 - ii. 2.00 pm to 5.00 pm Monday to Friday; and
 - iii. 9.00 am to 12.00 pm, Saturday
- f) 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 outlined in the Construction Environmental Management Plan.
- g) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

- D8. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
 - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in the Construction Environmental Management Plan.

Compliance Report

- D9. The Proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this approval.

Access to SEPP14 Wetland Area

- D10.
- a) No vehicles, machinery or other equipment should be stored, driven or parked at any time within the SEPP14 wetland.
 - b) No access is allowed to the SEPP14 wetland during the construction period for any stage of the project.

Wetland Management Plan

- D11.
- a) At the commencement of construction of the Stage 1 works the approved Wetland Management Plan shall be implemented.
 - b) Documented evidence of consultation with the Stakeholder Steering Committee must be provided to the Department on an annual basis and prior to the commencement of each of the three phases of proposed tidal inundation.
 - c) Monitoring of all Wetland Management Areas, as defined by the Wetland Management Plan, shall be carried out in accordance with the approved Wetland Management Plan.
 - d) Water quality monitoring at the Government Road culvert and New Entrance Road culvert shall be carried out in accordance with the approved Wetland Management Plan.
 - e) Maintenance of all inflow pipes, headwalls, outlets, weirs and wetland vegetation shall be carried out in accordance with the approved Wetland Management Plan.

Complaints Procedure

- D12.
- a) At the commencement of construction the Proponent shall ensure that the following are available for community complaints during construction:
 - i. A 24 hour telephone number on which complaints about construction activities at the site may be registered.
 - ii. A postal address to which written complaints may be sent.

- iii. An email address to which electronic complaints may be transmitted.
- iv. Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours.
- v. Name, address and telephone number of the Project Manager.
- vi. The telephone number, the postal address, email address, the name of the site/project manager and the approved hours of work, shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.
- b) The Proponent shall record details of all complaints received through the means listed under this condition of this approval in an up-to-date Complaints Register.
- c) The Proponent shall provide an initial response to any complaints made in relation to the project during construction within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in the Complaints Register.

Incident Reporting

- D13. Within 24 hours of detecting any incidents during construction that causes (or may cause) harm to the environment, the Proponent shall notify the Council and other relevant agencies of the incident and identify the following:
- a) Describe the date, time, and nature of the incident.
 - b) Identify the cause (or likely cause) of the incident.
 - c) Describe what action has been taken to date.
 - d) Describe any proposed measures to address the incident.

Aboriginal Cultural Heritage

- D14. Aboriginal Cultural Heritage matters during construction are to be addressed in the following manner:
- a) The proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the approval authority upon request.
 - b) The proponent is to provide fair and reasonable opportunities for the registered Aboriginal stakeholders to monitor any initial ground disturbance works associated with project. In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks and Wildlife Act 1974*.
 - c) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and OEH to develop and implement management strategies for all objects/sites.
 - d) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the proponent.
 - e) All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and OEH. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and be submitted to OEH's AHIMS Registrar within 3 months of completion of these works.

Dust Mitigation

- D15. The Proponent shall construct and operate the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all feasible dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Construction Waste Management

- D16. During construction, waste management shall include the following measures:
- a) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to Council specifications.
 - b) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
 - c) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.
 - d) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

Fill

- D17. During construction, the Proponent shall employ a suitably qualified geotechnical practitioner to identify and stockpile suitable fill materials on site. Any fill on the sites to be placed in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*. Unless sourced from within the site, only 'Virgin Excavated Natural Material' (VENM) shall be imported to the site. No fill or retaining walls shall be located within any drainage easement located within the site.

Asset Protection Zones

- D18.
- a) At the commencement of construction and in perpetuity, the land to the west of the resurveyed SEPP14 wetland boundary to a distance of 44 metres, shall be maintained as an asset protection zone (APZ) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
 - b) Separation of the tourist cabins 1 to 9 shall be in accordance with Illustration 3.1, APZ and Radiant Heat Offsets, contained in the Preferred Project Report.

Engineering and Design Requirements for Works

- D19. All engineering other structural works or natural landscaping proposed shall be designed, constructed and operated by suitably qualified professionals, recognised in that specialised field. The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments.

Acid Sulfate Soils

- D20. All works that involve disturbance of soils shall be carried out in accordance with the approved Acid Sulfate Management Plan, as required by Condition B4.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Road Damage

- E1. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the proponent prior to the issue of any Occupation Certificate.

Registration of Easements

- E2. Prior to the issue of any Occupation Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval, have been lodged for registration or registered at the NSW Land and Property Information, including, but not limited to:
- a) A restriction on the use of the site to be in accordance with the approved Building Management Plan.
 - b) A restriction on use of all accommodation on the site to short stay tourist purposes must be recorded on the title of the lot. The covenant will restrict the use of a cabin to any one person to no more than 42 consecutive days or in aggregate no more than 150 days in

any 12 month period. The restriction or covenant cannot be amended or revoked without Council's consent.

- c) A restriction burdening cabins with the following:
- i. The minimum habitable floor level is 3.25 metres AHD.
 - ii. Each cabin constructed must achieve certification from a practising structural engineer that all aspects of the building which are subject to the force of water or debris due to flooding have been designed to resist the stresses thereby induced during the Probable Maximum Flood event. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood and the Probable Maximum Flood before it is used in any structural calculations.
 - iii. All building materials used or located below the minimum habitable floor level must be flood compatible.
 - iv. The area to the west of the resurveyed SEPP14 wetland boundary to a distance of 44 metres is to be maintained as an Asset Protection Zone for bushfire protection purposes. The restriction is to be clearly marked on the title and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Structural Inspection Certificate

- E3. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and,
 - b) The drawings listed on the inspection certificate have been checked with those listed on the final design certificate/s.

Wetland Management Plan

- E4. Prior to the release for any Occupation Certificate for the project, the Wetland Management Plan is to have been implemented to the satisfaction of the Stakeholder Steering Committee and the Department.

Compliance with Bushfire Requirements

- E5. Prior to the release for any Occupation Certificate for the project, a report is to be prepared by a suitably qualified bushfire consultant to ascertain if compliance with the RFS requirements in Condition B13 has been achieved. No Occupation Certificate can be issued until Condition B13 has been fulfilled to the satisfaction of the Certifying Authority.

Landscaping

- E6. Upon completion of landscape works, and prior to the commencement of use, evidence is to be obtained from a suitably qualified professional in the Landscape/Horticultural industry, and submitted to and approved by the Council that certifies landscaping has been completed in accordance with the approved **Landscaping Plan**. The Proponent shall also ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state until maturity.

Integrated Water Cycle Management

- E7. The Proponent shall provide a **Work as Executed Plan** to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the Integrated Water Cycle Management Plan have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer.

Mosquito Management Plan

- E8. Prior to issue of an Occupation Certificate for any part of the project, a **Mosquito Management Plan** shall be prepared and submitted to Council for approval.

Flood Management

- E9. Prior to commencement of use of any part of the project, the proponent must demonstrate to the satisfaction of the Certifying Authority that all requirements under Condition B8 – Flood Management, have been met.

Flood Emergency Management Plan

- E10. Prior to commencement of use of any part of the project, the proponent must provide a copy of the final Flood Emergency Management Plan to the PCA for approval. The Plan must clearly show the flood evacuation route, as approved in the PPR (Illustration F.1, Appendix F of the PPR).

Sewage Management

- E11. Prior to commencement of use of any part of the project, the proponent must demonstrate to the satisfaction of the PCA that all requirements under Condition B12 – Sewage Management, have been met.

PART F – DURING OPERATIONS

Loading and Unloading

- F1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Unobstructed Driveways and Parking Areas

- F2. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

External Lighting

- F3. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Bushfire Emergency / Evacuation Plan

- F4. Arrangements for bushfire emergency and evacuation are to comply with the Emergency Evacuation Plan as required by Condition B12 and section 4.2.7 of '*Planning for Bush Fire Protection 2006*'. All continuing actions which may be required (e.g. training of staff, signage requirements) shall be implemented.

Impacts on SEPP14 Wetland

- F5. Operation of the facility shall not damage or interfere in any way with the SEPP14 wetland.

Wetland Management Plan

- F6.
- a) Documented evidence of implementation of the Wetland Management Plan shall be provided to the Stakeholder Steering Committee bi-annually.
 - b) Documented evidence of consultation with the Stakeholder Steering Committee must be provided to the Department on an annual basis and prior to the commencement of each of the three phases of proposed tidal inundation.
 - c) Monitoring of all Wetland Management Areas, as defined by the Wetland Management Plan, shall be carried out in accordance with the approved Wetland Management Plan.
 - d) Maintenance of all inflow pipes, headwalls, outlets, weirs and wetland vegetation shall be carried out in accordance with the approved Wetland Management Plan.
 - e) A final review of the health of the wetland is to be undertaken at the end of the 5 year implementation period. This is to be undertaken by an independent suitably qualified ecologist, reviewed and endorsed by the Stakeholder Steering Committee and submitted to the Department for approval. An extension to the monitoring and maintenance program may be required if it is considered the indicators of success, as outlined in the WMP, have not been achieved.

Mosquito Management

- F7. Management of mosquitos on site shall be carried out in accordance with relevant actions outlined in the approved Mosquito Management Plan, as required by Condition E10.

Flood Emergency Management Plan

- F8. A hard copy of the Flood Emergency Management Plan must be held at the South West Rocks Riverside Cabins Head Office and provided in a prominent location within each individual cabin.

Domestic Animals

- F9. All domestic animals are prohibited within the subject site.

Use of Cabins for Tourist Purposes

- F10. Use of the individual tourist cabins is to be for short stay tourist accommodation purposes only and no cabin is to be occupied by a person for more than 42 consecutive days or in aggregate no more than 150 days in any 12 month period.

Sewage Management

F11.

- a) During periods of low occupancy, the lessee must arrange for small volumes of rainwater supply or potable water to be discharged into the package sewage pump system to 'flush' the on-site pump stations and remove the potential for septicity issues.
- b) Should the alarm on the sewage pump stations be triggered by high sewage levels in either of the pump stations, the lessee must respond by contacting a local dealer qualified to maintain the system.
- c) In the event that the local dealer is unable to get to the site in time to rectify any problems, the lessee must inform the cabin residents of the issue to ensure they minimise water usage until the problem is rectified.

Building Management Plan

- F12. A hard copy of the Building Management Plan must be held at the South West Rocks Riverside Cabins Head Office. Management of the site must be undertaken in accordance with the approved Building Management Plan.

PART G – ADVISORY NOTES

Appeals

- A1. 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* (as amended).

Other Approvals and Permits

- A2. The proponent shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

Responsibility for other consents / agreements

- A3. The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Movement of Trucks Transporting Waste Material

- A4. The proponent must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Temporary Structures

- A5. An approval under *State Environmental Planning Policy (Temporary Structures) 2007* 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 *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- A6. 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 Applicant/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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- A7. 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 the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3
STATEMENT OF COMMITMENTS

Table 5.1 Revised Statement of Commitments

Issue	Commitment	Actions	Timing	Responsibility
General	The developer will carry out the development in accordance with this Environmental Assessment, prepared by GeoLINK and dated May 2010; in accordance with plans prepared by Paul Smith Building Design and GeoLINK; and in accordance with the specialist supporting reports.	Any required documentation/plans will be submitted to the relevant approval body for approval prior to issue of any construction certificate demonstrating full compliance with the Part 3A Approval.	Life of project	Proponent
Wetland Management	The wetland will be managed in accordance with the Wetland Management Plan (WMP)	Implementation of management measures for Management Area 1 of the WMP (SEPP 14 Wetland) including: - restoring tidal flow; - weed control; - facilitation of natural regeneration; - enhancement plantings (Adaptive management); and - monitoring and maintenance. Implementation of management measures for Management Area 2 of the WMP including: - construction of a freshwater wetland for stormwater treatment; - buffer planting and landscaping; - fencing to restrict access to the SEPP 14 Wetland; - educational signage; and - monitoring and maintenance. Implementation of the approved maintenance and monitoring program contained in the WMP including: - five years program; and - long term monitoring of the vegetation communities within the WMFA to be completed using aerial photography and ground truthing of the vegetation composition.	Construction	Proponent
			Construction	Proponent
			In accordance with the WMP	Proponent

<i>Issue</i>	<i>Commitment</i>	<i>Actions</i>	<i>Timing</i>	<i>Responsibility</i>
	Stakeholder Steering Committee	A list of stakeholders will be developed and will be consulted during the wetland rehabilitation process and monitoring program to ensure appropriate advice on management actions is being provided and assists in keeping key stakeholders advised of progress and adaptive management issues. Stakeholders will include NOW, NRCMA, DPI-F and DPI-CL. ■ areas included in the WMP will be revegetated and rehabilitated with appropriate native vegetation in accordance with the WMP; ■ natural regeneration will be encouraged as a priority; ■ vegetation rehabilitation in the area between the cabins and the SEPP 14 wetland, including weed control; ■ planting within the buffer between the cabins and the SEPP 14 Wetland to ensure compliance with both the bushfire APZ requirements, and provision of a vegetated buffer to the EECs and SEPP 14 wetland; ■ implementation of the Stormwater Management Plan, including construction of a wetland (outside of the SEPP 14 Wetland boundary) to provide treatment and improved quality of stormwater runoff from the development into the SEPP 14 Wetland; ■ prevention of trampling caused by humans by restricting access to the SEPP 14 Wetland. The physical barrier created by the stormwater wetland between the development and SEPP 14 Wetland, fauna friendly fencing (such as bollards) and signage stating the area is an environmental protection area, and instructing people to keep out; ■ retention of all the vegetation representative of EECs within the SEPP14 Wetland on the subject site.	Construction through to wetland maintenance period In accordance with the WMP	Proponent Proponent
Ecology	Ecology will be managed through management of the wetland, stormwater, and landscaping.			

Issue	Commitment	Actions	Timing	Responsibility
Bushfire	Bushfire hazard will be managed in accordance with the Bushfire Hazard Assessment.	- APZs of 44 m to the east to be established and maintained for the five southern most cabins in accordance with PBP; - All cabin exits including all parts of the stairs will be greater than 44 m to the SEPP 14 boundary; - APZs to be established and maintained for the four northern most cabins to the SEPP 14 Coastal Wetland and in accordance with PBP; - APZs of 10 m to the north of the proposed cabins to be established and maintained for the northern most cabin; - landscaping and general property maintenance to comply with Appendix 5 of PBP 2006; - APZs to be established prior to occupation and at the landscaping stage; - a specific bushfire construction level of BAL-29 for the eastern façade and BAL-19 for all other façades for cabins 1 to 4; - a specific bushfire construction level of BAL-19 for the eastern façade and BAL-12.5 for all other façades of cabins 6 and 8; - a specific bushfire construction level of BAL-12.5 for all façades of cabins 5, 7 and 9; and - an emergency and evacuation plan to be prepared for the cabins for the purposes of bushfire protection in accordance with <i>A guide to Developing a Bushfire Evacuation Plan</i> (RFS 2004); and - the bushfire emergency and evacuation plan to be prepared prior to occupation of the cabins.	Construction Life of project Life of project Life of project Construction Prior to Occupation Construction Construction Construction Prior to occupation Prior to occupation	Proponent

Issue	Commitment	Actions	Timing	Responsibility
Flooding	Flood management will be in accordance with the: ▪ Flood Assessment; and ▪ Flood Emergency Plan.	An adaptive management strategy to be implemented to address potential flooding and climate change impacts. The strategy is to include provision for: ▪ all building materials below floor level will be of a type suitable to withstand occasional flood inundation. ▪ all electrical installations are to be above floor level. ▪ habitable floor levels of the cabins to be initially set at equivalent to the 1% AEP flood level under the 2050 climate change scenario plus 0.5 m freeboard; ▪ by the year 2050, the floor level of the cabins should be reviewed in accordance with updated sea level rise predictions at the time of review. Subject to this review the floor level of the cabins should be raised to the projected 2100 1% AEP flood level plus 0.5 m freeboard; ▪ the filled level of the site is to be set at a minimum level of 1.9 m AHD; ▪ the access/evacuation routes through the site will also be initially filled to a minimum level of 1.9 m AHD at the northern end of the site, with a consistent rising grade of at least 0.3% from north to south to provide evacuation to the high ground at Marlin Drive; and ▪ by the year 2050, the fill levels will be raised by the same height as the predicted sea level rise over the period from the year 2050 to 2100. This will be based on updated sea level rise predictions at the time of review. ▪ implementation of the detailed Flood Emergency Plan prepared by WMA water for the site. ▪ adaptation for floor levels will be achieved by raising the sub-floor of the cabins by extension of the supporting columns. Cabin stair access, plumbing, etc will be modified accordingly.	Construction Construction Construction 2050 Construction Construction 2050 Construction 2050	Proponent

Issue	Commitment	Actions	Timing	Responsibility
		Adaptation for site fill levels relates to raising of the access road in the site. This will involve reconstruction of the pavement and batters to raise the pavement level in 2050 by the same height as the predicted sea level rise over the period from the year 2050 to 2100 (current estimates indicate the pavement level will need to be raised by 0.5 m in 2050).	2050	
Stormwater Management	Stormwater will be managed in accordance with the Stormwater Management Plan.	provision of rainwater tanks with a volume of approximately 3 kL at each cabin to capture roof runoff to detain flows and reduce runoff volumes;	Construction	Proponent
		grassed or vegetated swales to receive overflows from the rainwater tanks and runoff from the road surfaces, gravel areas and other impervious areas;	Construction	
		gravel parking areas to promote infiltration / filtering of the road runoff with excess runoff directed to the swales and constructed wetland for further treatment;	Construction	
		grassed buffer strips between the entrance road / visitor parking and the constructed wetland to provide some infiltration of stormwater to groundwater and removal of coarse and medium sediment;	Construction	
		constructed wetland for final treatment of stormwater via enhanced sedimentation, fine filtration and biological uptake processes to remove pollutants, sized to provide high quality treatment suitable for release to the SEPP 14 wetland;	Construction	
		the constructed wetland to be used as a sediment retention basin during the construction phase. Flows from the majority of the site will be directed to the basin. The location of the basin will facilitate interception of any sediment to the SEPP 14 wetland; and	Construction	
		the western fringe of the site may flow to New Entrance	Construction	

Issue	Commitment	Actions	Timing	Responsibility
		Road. Sediment control fences will be erected along this boundary to prevent any sediment loss to the road drainage system.		
Coastal Hazard	Coastal Hazard will be managed in accordance with recommendations outlined in EA under this issue.	As per Flooding Commitments	Construction and 2050	Proponent
Geotechnical		Not applicable		
Acid Sulfate Soil	Acid Sulfate Soil will be managed according to the Acid Sulfate Soil Management Plan, and applies to excavation greater than 1 m below natural ground surface. The project will be managed so as to ensure that the development will not cause transference of Acid Sulfate soils into the existing freshwater wetland or SEPP 14 Wetland during and after construction	■ excavated ASS material is to be separated from overlaying topsoil and temporarily stockpiled for treatment; ■ treatment should directly follow excavation; ■ the treatment of ASS must be carried out in accordance with standard Occupational Health and Safety Guidelines; ■ when ASS material must be stockpiled temporarily, the stockpile area must be located away from waterways and bunded to prevent any runoff to receiving waters; ■ the following liming and treatment procedure for ASS to be implemented: 1 lime the base of the stockpile pad 5 mm thick layer of fine grade-1 agricultural lime; 2 spread excavated ASS onto the pad in layers 10 – 30 cm thick; 3 apply lime at a standard rate of: a. 3.0 kg of lime per tonne of soil from within 0.5 m of the ground surface; b. 3.6 kg of lime per tonne of soil from within 1.0 m of the ground surface; and c. 30.1 kg of lime per tonne of soil from between 1 m and 2 m depth below ground surface. Note: 1 bag of lime = 25 kg; Note: Windy conditions should be avoided for	Construction Construction Construction Construction Construction	Proponent

Issue	Commitment	Actions	Timing	Responsibility
		safety and efficiency; 4 cultivate lime into the ASS layer well, preferably using a rotary hoe. Ensure an even homogenous mix of soil and lime is created before spreading the next soil layer, and 5 repeat steps 2 – 4 as required. ▪ ASS treated in this way can be used as fill; ▪ where service trenches can be refilled within 24 hours, excavated ASS material should be separated from overlying topsoil and temporarily stockpiled; ▪ once trenching and laying of services is completed, ASS material should be returned to the trench first followed by the topsoil; ▪ where ASS burial cannot be completed within 24 hours, or if there is surplus of ASS material, the liming procedure above should be adopted; and ▪ ASS management will be required during construction for any works that involve excavation works and soil disturbance.	Construction Construction Construction Construction Construction	
Traffic and Access	Traffic and Access will be managed in accordance with measures outlined in the Environmental Assessment	▪ internal access road to be 11 metres wide, constructed of asphalt connecting to gravel driveways for access to cabins; ▪ four of the cabins have double access forward drive in/drive out access and five have traditional single access; ▪ a gravel path from the rear of the cabins to the tavern and through the wetland area would be constructed; ▪ The roadway will be sealed and constructed to shed water to their edges and into open shallow grassed swale drains; ▪ all road edges will be adjoined by grassed and landscaped areas and actions that tend to concentrate flows will be avoided;	Construction Construction Construction Construction Construction	Proponent

<i>Issue</i>	<i>Commitment</i>	<i>Actions</i>	<i>Timing</i>	<i>Responsibility</i>
Heritage and Archaeology	Heritage and Archaeology will be managed in accordance with the Archaeological Report and mitigation measures outlined in the Environmental Assessment.	■ areas that are dedicated for visitor parking and are sealed will also be drained to open swales; and ■ the pathways in the development will generally be 1.2 m wide and have compacted gravel surfaces.	Construction	
		■ implementation of a comprehensive stormwater, erosion and sedimentation controls to prevent run-off into wetland, watercourses creeks and river so as not to contaminate the flathead breeding grounds opposite the Riverside Tavern; ■ if any items defined as relics under the NSW Heritage Act 1977 are uncovered during the works, all works will cease in the vicinity of the find and an archaeologist and the Project manager will be contacted immediately.	Construction	Proponent
		■ consultation with and involvement of all the registered local Aboriginal representatives for the project will continue in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation will be collated and provided to the consent authority on request.	Construction	
		■ fair and reasonable opportunities will be provided for the registered Aboriginal stakeholders to monitor any initial ground disturbance works. In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects will be recorded and managed in accordance with the requirements of sections 85A and 89A of the National Parks and Wildlife Act 1974.	Construction	
		■ In the event that surface disturbance identifies a new Aboriginal object, all works will cease in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives will be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System	Construction	

Issue	Commitment	Actions	Timing	Responsibility
		(AHIMS) and the management outcomes for the site included in the information provided. Development and management strategies for all objects/sites will be done in consultation with the Aboriginal community representatives, the archaeologist and OEH. - If human remains are located all works will cease in the immediate area to prevent any further impacts to the remains. NSW Police are to be notified immediately. No action will be undertaken until police provide written notification. If the skeletal remains are identified as Aboriginal, the proponent must call OEH Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the proponent. - All reasonable efforts will be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. - An Aboriginal Cultural Education Program will be developed for the induction of all personnel and contractors involved in the construction activities on site. Records will be kept of which staff/contractors were inducted and when for the duration of the project. The program will be developed and implemented in collaboration with the local Aboriginal community.	Construction Construction Construction	
Infrastructure Provision	Provision of all essential services to the Cabins in accordance with Section 6.12.	- The rainwater tanks shall be used for laundry and toilet flushing which will significantly reduce demand on the reticulated supply water when rainwater is available. - Pumping from the two package pump stations shall be timer controlled to pump at off-peak times to avoid any increase in peak flows at the downstream pump station. Off-peak pumping will be undertaken at various intervals throughout	Life of Project Life of Project	Proponent

<i>Issue</i>	<i>Commitment</i>	<i>Actions</i>	<i>Timing</i>	<i>Responsibility</i>
		the day and evening to prevent prolonged retention of sewage in the package pump stations. - Use of timer controls for pumping from the package pump stations will enable the flows to be pumped into the private rising main from the Riverside Tavern pump station to avoid peak pumping periods from the Tavern. Pumping at off-peak times will also ensure there is no additional peak loading on the Macleay Water sewerage system. - Electricity - the cabins shall be supplied by the same electricity supply as the Riverside Tavern. The tavern is supplied by the sub-station to the north of the tavern.	Life of Project Life of Project	
Visual Impact	Impacts to visual amenity will be managed in accordance with the Visual Amenity Assessment	- Cabins will include the use of timber handrails with wire balustrades, louvre windows, wide eaves and a large covered veranda along the cabin front; - cabins will have a narrow frontage to the street and each structure will be approximately 10 metres apart providing optimal scope for extensive new planting. Cabins will have alternating setbacks to minimise the visual prominence of building facades to the street; - planting of trees and shrubs will be strategically located around cabins to create a dominant canopy above roof lines that will help disguise and visually absorb the structures; - planting will also create private spaces between cabins, screen unwanted views and provide shelter to the front verandas from undesirable south-western summer sun; - surface drainage will be facilitated by open swales to provide opportunity for passive treatment through a bioretention system prior to discharging into the natural wetland area further east; - the most significant swale will align with the southern access road and adjoining parking areas to prevent	Construction Construction Construction Construction Construction Construction	Proponent

<i>Issue</i>	<i>Commitment</i>	<i>Actions</i>	<i>Timing</i>	<i>Responsibility</i>
		undesirable vehicle access into the wetland area further east; - the existing undeveloped area east of the swale will be rehabilitated to restore the natural values of the original wetland environment; and - new tree planting within this area will incorporate buffer zones and clearances between canopies as required satisfying bushfire regulations.	Construction Construction	
Equitable Access	To cater and provide people with disabilities by ensuring equitable access and facilities.	Construct one of the two bedroom cabins to provide access and facilities for people with disabilities in accordance with Building Code of Australia and relevant standards and the Disability Discrimination Act 1992.	Construction	Proponent
Cumulative Impacts		Not applicable		

