

## Development Consent

### ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.38(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Ross Carter (Chair)  
Member of the Commission

Chris Wilson  
Member of the Commission

Sydney

23 December 2019

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

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

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application No.:</b>	SSD 7169
<b>Applicant:</b>	Jemalong Mundamia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Lot 30 in DP 1198692, George Evans and Jonsson Roads, Mundamia
<b>Development:</b>	A 308 lot residential subdivision, a Neighbourhood Safer Place, open space and drainage reserves.

FOR INFORMATION

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 7169 MOD 1	28/9/2021	Independent Planning Commission	Modification to remove reference to the Bushfire Fuel Management Plan and the Emergency/Evacuation Management Plan from the scope of Council's responsibility within Deferred Commencement Condition A1(6)(iii).
SSD 7169 MOD 2	23/6/2023	Independent Planning Commission	Modification of Condition D13 to correct an error of nominating the Environment, Energy and Science Group (EESG) as the approval authority for the Aboriginal Cultural Heritage Management Plan (ACHMP) instead of the Planning Secretary.

## DEFINITIONS

Applicant	Jemalong Mundamia Pty Ltd
APZ	Asset Protection Zone
AS	Australian Standard
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and other infrastructure covered by this consent
Certifier	Means a person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 Certificates
Council	Shoalhaven City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning, Industry and Environment
Development	The development that is approved by this Development Consent and as generally described in Schedule 1
EEC	Endangered Ecological Communities
EA	Environmental Assessment titled <i>Major Project – Part 3A Environmental Planning and Assessment Act, 1979, Proposed Subdivision Lot 3 DP 568613 and Lot 384 DP 755952 George Evans Road and Jonsson Road Mundamia</i> , prepared by Cowman Stoddart Pty Ltd, April 2013
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage, including sites that pre-date European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period
Incident	An occurrence of a set of circumstances that causes, or threatens to cause, material harm and may or may not be a cause of a non-compliance
Material harm to the environment	Is harm that: <ul style="list-style-type: none"> <li>(a) involves actual or potential harm to the health or safety of human beings or the environment that is not trivial, or</li> <li>(b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practical measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NSP	Neighbourhood Safer Place
Night	The period from 10 pm to 7 am on Mondays to Saturdays, and 10 pm to 8 am on Sundays and Public Holidays
EESG	Environment, Energy and Science Group
PCA	Principal Certifying Authority

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Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
Site	Land referred to in Schedule 1
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

## SCHEDULE 2

### PART A: DEFERRED COMMENCEMENT CONDITIONS

The following are deferred commencement conditions imposed pursuant to Section 4.16(3) of the *Environmental Planning & Assessment Act 1979*.

A1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions prior to this development consent becoming operative:

#### NEIGHBOURHOOD SAFER PLACE (NSP)

- (1) The Applicant must:
  - (i) submit to the satisfaction of the consent authority, plans and further details about the design, location, operation and capacity of the NSP, including with respect to the total estimated number of evacuees from the completed Mundamia URA
  - (ii) demonstrate to the satisfaction of the consent authority that the NSP complies with the requirements of the NSW RFS NSP Guideline 2017
  - (iii) demonstrate it has adequately consulted with the Bushfire Management Committee, NSW RFS District staff and the Local Emergency Management Centre about their requirements for the NSP
  - (iv) demonstrate it has provided adequate evacuee and emergency service parking at the NSP
  - (v) demonstrate that the NSW RFS have approved the design, location, capacity and operation of the NSP.

#### BUSHFIRE MANAGEMENT PLANS

- (2) The Applicant must submit to the satisfaction of the consent authority, a Bushfire Emergency Management and Evacuation Plan. The Plan must:
  - (i) be prepared by a suitably qualified expert in consultation with the NSW RFS, Council, the Bushfire Management Committee and Local Emergency Management Committee.
  - (ii) comply with the relevant requirements/provisions of the Bushfire Coordinating Committee Policy No. 1/2012 Community Safety and Coordinated Evacuations and the State Emergency Management Plan Evacuation Management Guidelines March 2014.
  - (iii) include details of, but not limited to:
    - a. bushfire warning and notification procedures
    - b. bushfire emergency responses
    - c. early evacuation procedures
    - d. evacuation to the NSP
    - e. assembly points and evacuation routes
    - f. evacuation and refuge protocols
    - g. ongoing review and update requirements.
- (3) The Applicant must submit to the satisfaction of the consent authority a Bush Fire Traffic Management Plan. The Plan must:
  - (i) be prepared by a suitably qualified expert in consultation with the NSW RFS, Council, the Bushfire Management Committee and Local Emergency Management Committee.
  - (ii) ensure safe operational access and egress is provided for fire fighters without vehicular conflict.
  - (iii) ensure safe egress (from the site and to the NSP) is provided for users and resident of the site in the case of a bush fire emergency, without vehicular conflict.
  - (iv) include details of, but not limited to:
    - a. the process for achieving safe operational access and egress on all days including days of maximum capacity

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- b. the upgrades and works required to the public road network and the internal road system to facilitate safe operational access and egress in the case of a bush fire emergency (including consideration of all the recommended road upgrades outlined in the Stantec Traffic Report, dated 5 November 2018, to facilitate early evacuation, in the event emergency service deem it appropriate)
- c. the circumstances in which the plan will be activated
- d. ongoing review and update requirements.

The Bush Fire Traffic Management Plan once approved by the Consent Authority will form part of the Bushfire Emergency Management Evacuation Plan for the site and the approved development.

- (4) The Applicant must submit to the satisfaction of the consent authority, a Bushfire Fuel Management Plan. The Plan must be prepared by a suitably qualified expert and demonstrate that there has been adequate consultation with the NSW RFS and Council and detail the inspection and management measures required for appropriate fuel reduction, in accordance with the requirements of the RFS and *Planning for Bushfire Protection 2006*.
- (5) The Applicant must prepare and submit to the satisfaction of the consent authority, a Vegetation Management Plan (VMP) and demonstrate adequate consultation with RFS and Council in the preparation of the VMP, including for the ongoing maintenance of APZs, parks, reserves and residual lands. The VMP must detail the management measures required to maintain these lands as APZs, in accordance with the requirements of the RFS and *Planning for Bushfire Protection 2006*.
- (6) The Applicant must submit written confirmation from Council stating that Council will accept; and be responsible for:
  - (i) the ownership and ongoing management of the APZs in parks, open space, road reserves and residual lands
  - (ii) the ownership and ongoing maintenance, management and operation of the NSP
  - (iii) the implementation, ongoing review and update of the Bushfire Fuel Management Plan and the Vegetation Management Plan **required by this consent to the extent that those plans apply to land that will be under the care and control of Shoalhaven City Council.**

The Applicant must demonstrate that it has entered into a suitable agreement/mechanism with Council for the ownership, maintenance and funding of the above items.

## WATER SUPPLY

- (7) The Applicant must submit to the satisfaction of the consent authority a report prepared by an appropriately qualified and experienced person, in accordance with Shoalhaven Water's requirements, verifying the adequacy of the reticulated water supply during catastrophic bushfire events. Should the report identify that the reticulated water supply is not adequate to address fire service requirements, the system must be upgraded to Shoalhaven Water's satisfaction, at the Applicant's expense.

## DESIGN AMENDMENTS - GENERAL

- (8) The Applicant must prepare and submit to the satisfaction of the consent authority a revised Plan of Subdivision in consultation with Council. The revised Plan of Subdivision must address the following requirements:
  - (a) demonstrate the final subdivision layout complies with the minimum lot size requirements of the *Shoalhaven Local Environmental Plan 2014*

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- (b) identify the location of all drainage reserves and associated structures and landscape treatments required to facilitate the implementation of the recharge and stormwater management system approved under Condition CS
- (c) ensure a minimum of 6,438 m<sup>2</sup> of public open space is provided, with all public open space reserves achieving a minimum site area of 3,000 m<sup>2</sup>
- (d) delete the commercial allotment with an area of 163 m<sup>2</sup> shown on the western boundary of the site
- (e) identify the landscape treatments required along the eastern boundary of the site to prevent vegetation creep
- (f) identify the location of all roundabouts proposed for construction under the Planning Agreement required under Condition C3
- (g) apply the access road upgrades identified in the conditions of this consent and the Shoalhaven City Council's Contributions Plan 2019
- (h) ensure the sewerage pumping station site is included in Stage 1, along with all necessary public road access or initial easements for access and services.

## DESIGN AMENDMENTS - BUSHFIRE

- (9) The Applicant shall prepare and submit to the satisfaction of the consent authority a revised Plan of Subdivision in consultation with Council and the RFS. The revised Plan of Subdivision must adequately address the following requirements:
  - (a) ensure asset protection zones (APZs) are provided around the entire perimeter of the site in accordance with the following requirements:
    - (i) the APZs for the site shall be determined to the widths required by Table A2.4 of *Planning for Bushfire Protection 2006* and shall take into account the impact of a bushfire event
    - (ii) the slope out to a distance of at least 100 metres from the easternmost extent of land able to be maintained as an APZ (the eastern side of the perimeter road system) be determined (and certified) by a registered surveyor based on a minimum of 2 metre contours. The slope is to be assessed at not less than 100 metre intervals along the eastern boundary of the site and long sections are to be provided
    - (iii) a suitably qualified bushfire consultant is to determine the "effective slope" based on the survey information and identify the APZ widths required to ensure that no dwelling within the proposed subdivision will be subject to construction requirements any higher than BAL-29 as per AS3959
    - (iv) the APZs specified at (i) (ii) and (iii) above must not be located on E2 zoned land and must be contained within the perimeter road reserve system unless an alternate location is endorsed by the RFS.
  - (b) provide an access road around the entire perimeter of the R1 zoned land, as per the requirements of section 4.1.3(1) 'Public Roads' of *Planning for Bushfire Protection 2006*, as amended from time to time. This must include:
    - (i) the extension of Road 6 to Road 1
    - (ii) the extension of Road 7 to Road 1 as a no through road, with the construction of bollards at this intersection to ensure this egress point is only used in the event of a bushfire emergency
    - (iii) ensure the central median on Road 1 is set back from the intersection of Road 1 and Road 7
    - (iv) ensure all internal roads are designed and constructed in accordance with the requirements of section 4.1.3(1) 'Public Roads' of *Planning for Bushfire Protection 2006*, as amended from time to time
    - (v) ensure no vehicle parking is permitted on Road 1 south of Road 9
    - (vi) parking along the bushfire hazard side of perimeter access roads is to be limited to intervals not greater than 200 metres each, with a clear no standing/no parking restriction of at least 200 metres length between each parking interval (to facilitate emergency services access to the bushfire hazard side of the road)

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- (vii) ensure all roundabouts within the subdivision have been designed so they can be mounted by emergency service vehicles.
  - (c) amend the subdivision layout to accommodate the final design of the NSP and associated parking, as required by Condition A1 (1).
- A2. Evidence that will enable the Consent Authority to be satisfied those matters in the deferred commencement conditions have been addressed, must be submitted to the Planning Secretary for assessment within twenty-four months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979*.
- A3. This development consent will not become operative until such time that the Independent Planning Commission notifies the Applicant in writing that the requirements of deferred commencement consent conditions have been satisfied.
- A4. Upon the Independent Planning Commission giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent.

## PART B: ADMINISTRATIVE CONDITIONS

Once operative, the consent is subject to the following conditions:

### TERMS OF CONSENT

- B1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with the written directions of the Planning Secretary; and
  - (c) in accordance with the EA, as amended by the PPR, the Section 79C Assessment and the supplementary plans and drawings listed at Appendix 1.
- B2. Consistent with the requirements of this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in Condition B1 above.
- B3. The conditions of this consent and the directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the plans and documentation referred to in Condition B1. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition B1, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### LIMITS OF CONSENT

- B4. This consent lapses five years from the date of consent unless the works associated with the project have physically commenced.

### EVIDENCE OF CONSULTATION

- B5. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the document to the Secretary for approval; and
  - (b) provide details of the consultation undertaken, including:
    - (i) the outcome of that consultation, matters resolved and unresolved
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### LEGAL NOTICES

- B6. Any advice or notice to the Consent Authority should be served on the Planning Secretary.

### LONG SERVICE LEVY

- B7. For work costing \$25,000 or more, a Long Service Levy shall be paid prior to the issue of each Construction Certificate. For further information please, contact the Long Service Corporation on its Helpline 131441.

### APPLICABILITY OF GUIDELINES

- B8. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- B9. However, consistent with the conditions of this consent and without altering any limits on criteria in this consent, the Secretary may, when issuing directions under this consent in respect of on-going monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or replacement of them.

## MONITORING AND ENVIRONMENTAL AUDITS

- B10. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

**Note:** For the purposes of this condition, as set out on the EP&A Act, "monitoring " is monitoring of the development to provide data on compliance with this consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- B11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development including the development application number and the name of the development (if it has one) and set out the location and nature of the incident.
- B12. Subsequent notification must be given, and reports submitted in accordance with the requirements in Appendix 3.

## NON-COMPLIANCE NOTIFICATION

- B13. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- B14. The notification must identify the development and the application number for it set out in the condition of consent the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- B15. A non-compliance which has been notified as an incident does not also need to be notified as a non-compliance.

## STAGING

- B16. The development may be carried out in stages. A Construction Certificate may be obtained for each stage, subject to the satisfaction of the relevant conditions.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- B17. Within three months of:
- (a) the submission of a Compliance Report under Condition D18;
  - (b) the submission of an incident report under Condition B11;
  - (c) the submission of an Independent Audit under Condition D20;
  - (d) the approval of any modification of the conditions of this consent; and
  - (e) the issue of a direction of the Planning Secretary.

The strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review has been carried out.

- B18. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are

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required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any measures to improve the environmental performance of the development.

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## PART C: PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### NOTIFICATION

C1. The person having the benefit of this consent must appoint a PCA for the works.

### NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE REQUIRED

C2. Work must not commence until a relevant Construction Certificate has been issued.

### PLANNING AGREEMENT

C3. Prior to the issue of the first Construction Certificate, the Applicant must enter into a Planning Agreement (PA) outlining the cost apportionment and land contributions for the construction of the following works, consistent with the Letter of Offer dated 27 June 2019, and agreed in principle, by Council on 1 July 2019:

- (a) the roundabouts at the intersection of Road 1 and George Evans Road
- (b) the roundabout at the intersection of and Road 1 and Road 14 at the entry threshold north of the intersection of Jonsson Road and Road 16
- (c) the combined NSP/community hall
- (d) other bushfire management measures required by this consent.

A copy of the PA must be provided to the Planning Secretary within 4 weeks of execution.

### HYDROGEOLOGICAL MODELLING AND RECHARGE STORMWATER MANAGEMENT

C4. The Applicant must prepare a revised Hydrogeological Report that includes detailed analysis of the hydrogeological conditions and the requirements for the survival of the Nowra Heath-myrtle and the Spring Tiny Greenhood Orchid on and within proximity of the site (i.e. including, but not limited to the land identified as 'Area B' at Appendix 2) to identify an appropriate recharge regime for the development.

The revised Hydrogeological Report must be based on an analysis of 12 months of baseline data, collected in accordance with the requirements of the Monitoring Program approved under Condition C6, and must:

- (a) be submitted to and approved by the Secretary prior to the issue of a Construction Certificate
- (b) be undertaken by an appropriately qualified hydrogeologist in consultation with an appropriately qualified ecologist<sup>1</sup>;
- (c) be prepared in consultation with DPI Water and address the requirements of the Aquifer Interference Policy (AIP) and Water Sharing Plan (WSP);
- (d) specify the volume of groundwater intercepted as a result of the development;
- (e) include predictions of the extent of Nowra Heath-myrtle and Spring Tiny Greenhood Orchid habitat or plants impacted by the development, including on lands within and external to the site;
- (f) include an analysis of the typical growing conditions of the Nowra Heath-myrtle and Spring Tiny Greenhood Orchid on land within and surrounding the site. This analysis must consider soil depths, soil types and the location of the vegetation in relation to the sandstone outcrops and ledges;
- (g) include an analysis of groundwater hydrograph data to determine the relative roles of shallow sub-surface flows along the soil/rock interface and/or seepage into weathered rock;
- (h) include water balance modelling that accounts for the existing landform (slope, soil depth, soil moisture characteristics etc) and site vegetation to determine the relative contributions of incident rainfall and shallow groundwater seepage flow to the soil moisture conditions. This analysis should:
  - (i) examine the seasonal and annual variability of the soil moisture conditions in the areas where there are identified populations of Nowra Heath -myrtle and Kunzea Shrubland;

- (ii) be undertaken using a three-dimensional soil moisture model (e.g. TOPOG) and as a minimum, must assess the water balance and seepage flow along a series of representative hill slopes; and
- (iii) confirm the extent of the Nowra Heath-myrtle and any Spring Tiny Greenhood Orchid plants or habitat estimated during the field inspection impacted by the development taking into account baseline water quality and flow regime modelling
- (i) include sensitivity analysis that takes account of variation in soil depth, soil moisture holding characteristics and hydraulic conductivity;
- (j) account for differences in evapotranspiration characteristics of different vegetation (e.g. pasture grass, reeds/tall grass, shrubs and trees) and fully justify the method adopted for estimating 'reference crop' evapotranspiration in the context of the advice of McMahon et al (2013) in, *Estimating actual, potential, reference crop and pan evaporation using standard meteorological data: a pragmatic synthesis*, Hydrology and Earth Systems Sciences, 17, 1331-1363-2013; and
- (k) identify site specific water quality and flow regime targets for the local conditions and protection of the Nowra Heath-myrtle and Spring Tiny Greenhood Orchid plants or habitat impacted by the development (not including the developable area of the site) and surrounding the site, based on baseline monitoring.

**Note<sup>1</sup>:** The ecologist(s) undertaking the field inspections should have experience in assessing key threatening processes affecting the Spring Tiny Greenhood Orchid and the Nowra Heath-myrtle.

**Note<sup>2</sup>:** The purpose of this condition is to collect suitable data to determine the stormwater management measures required to ensure the survival of the groundwater dependent ecosystems in Area B and the adjacent lands to the south and east of the site.

## RECHARGE AND STORMWATER MANAGEMENT SYSTEM

C5. The final recharge and stormwater management system must be designed to respond to the recommendations of the revised Hydrogeological Report approved by the Planning Secretary under Condition C4. The final designs of the recharge and stormwater management system must:

- (a) be submitted to and approved by the Planning Secretary following the requirements of Condition C4 being satisfied;
- (b) account for the soil water regime in the vicinity of the threatened vegetation, and mimic, as closely as practical, the existing hydrologic and water quality regime along the northern, eastern and southern boundaries of the site;
- (c) identify site-specific water quality targets to ensure the protection of any Nowra Heath-myrtle and Spring Tiny Greenhood Orchid plants or their existing habitat affected by the proposal;
- (d) deliver the water quality flow regime targets identified in the revised Hydrogeological Report approved by the Planning Secretary under Condition C4 during the construction and operational phases of the development;
- (e) address predictions of impacts of climate change on the hydrological regime required by the threatened species;
- (f) include revised concept designs for the stormwater system including layout, sizing and configuration. The revised concept design must also address predictions of impacts on rainfall due to climate change and:
  - (i) provide further details of the conveyance of the 100 year ARI flood;
  - (ii) ensure the overland flow path follows the existing natural flow pattern in a north-easterly direction in the northern part of the site, where practical;
  - (iii) include revised MUSIC and DRAINS modelling prepared in accordance with Shoalhaven City Council's requirements, including justification of all adopted assumptions and parameters; and
  - (iv) must not result in any additional clearing within the E2 zoned land.

## GROUNDWATER DEPENDENT ECOSYSTEMS - MONITORING REQUIREMENTS

C6. Within three months of the issue of development consent, the Applicant shall prepare and submit a detailed Monitoring Program, including baseline monitoring, to quantify the off-site impacts of the development on groundwater dependent species (Nowra Heath-myrtle, Spring Tiny Greenhood Orchid, the Swamp Paperbark community and small moss gardens).

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The Monitoring Program must be submitted to the Planning Secretary for approval and must include:

- (a) parameters to be monitored, frequency and location of monitoring;
- (b) health of the vegetation; and
- (c) monitoring of the groundwater and surface water flow regime and water quality parameters to the threatened vegetation species to confirm the system is achieving the design flow regime and water quality targets.

Monitoring must occur in accordance with the approved Monitoring Program for the duration of the development and continue for a minimum of five years after the issue of the final Subdivision Certificate for the development.

- C7. Prior to the issue of the first Construction Certificate for the construction of the final recharge and stormwater management system approved under Condition CS, the Applicant shall prepare and submit a detailed Recharge and Stormwater Management System Monitoring Program. The Monitoring Program must identify the monitoring and maintenance requirements for the system including:
- (a) the Applicant's responsibilities;
  - (b) monitoring of the groundwater and surface water flow regime and water quality parameters to the threatened vegetation species to confirm the system is achieving the design flow regime and water quality targets;
  - (c) all maintenance actions and the frequency of such actions; and
  - (d) the frequency of reporting.
- C8. Prior to the issue of any Construction Certificate, the Applicant shall submit a Contingency Strategy to the Planning Secretary for approval identifying the measures that must be implemented if the development results in a statistically significant reduction in the number of Nowra Heath-myrtle plants or Tiny Greenhood Orchid habitat or plants within the monitoring area, or a reduction in the extent of the Swamp Paperbark community or small moss gardens located within the monitoring area. This Strategy must be prepared in consultation with Council and DPI Water.

The Contingency Strategy must apply to the extent of the impact area identified in the Hydrogeological Report approved under Condition C4. The Strategy must be prepared by a suitably qualified ecologist in consultation with the specialist undertaking the revised Hydrogeological Report submitted under Condition C4.

The Strategy must include:

- (a) mapping of the target species within the monitoring area;
  - (b) a definition of a statistically significant reduction in the target species;
  - (c) the water quality and flow regime target approved under Condition C4 and Condition CS, whichever is relevant for the duration of the monitoring program;
  - (d) contingency measures to be applied over the duration of the monitoring program; and
  - (e) details of how the Contingency Strategy will be funded if it is activated.
- C9. Prior to the issue of each Construction Certificate, the Applicant must provide written evidence to the PCA confirming a suitably qualified ecological consultant has been engaged to supervise the clearing works.
- C10. Where engineering works are proposed near treed or vegetated areas, the Applicant must provide dimensioned engineering plans to the Certifier for approval showing all areas of vegetation/trees to be retained surrounded by temporary protective fencing. No plans should be approved unless these protective measures are shown and contain a note stating the fencing is to be installed prior to works and must remain in place until all works are completed. No services (water, sewer etc) are permitted within areas of vegetation to be retained or under the "drip line" of trees to be retained.

## CUT AND FILL PLAN

- C11. Prior to the issue of the first Construction Certificate for earthworks, the Applicant shall submit a cut and fill plan to Council for approval. The Applicant must forward a copy of the approved cut and fill plan to the Planning Secretary prior to the commencement of earthworks.

Where filling is required in stages 1 to 11, specifications must be submitted to the Certifier for approval prior to the issue of a Construction Certificate for the affected stage. All allotment filling must be carried out in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*.

All earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS 3798 shall be submitted to the Certifier upon completion of the work(s).

## DETAILED EARTHWORKS DESIGN PLANS

- C12. Prior to the issue of a Construction Certificate for each stage of the development, the Applicant shall provide plans, endorsed by a suitably qualified person to the Certifier confirming the earthworks incorporate the recommendations identified in Section 3.5 of the *Preliminary Geotechnical and Constraints Assessment Lot 3 DP 568613 & Lot 384 DP 755952 Mundamia NSW*, prepared by Martens Consulting Engineers dated November 2008, and the requirements outlined in Attachment C of the *Stormwater Management Assessment Lot 30 DP 1198692, Mundamia Urban Release Area, Mundamia NSW*, prepared by Martens Consulting Engineers dated May 2015, where relevant.

A copy of the civil engineer's endorsement shall be forwarded to the Department and Council prior to works commencing within each stage of the development

## UTILITIES AND SERVICES

- C13. The Applicant must apply under section 305, Division 5, Part 2, Chapter 6 of the *Water Management Act 2000*, for a Certificate of Compliance from Shoalhaven Water.

Relevant conditions/requirements, including monetary contributions (where applicable), are provided under section 305, Division 5, Part 2, Chapter 6 of the *Water Management Act 2000*. A Development Application Notice issued by Shoalhaven Water will outline the conditions/requirements that must be adhered to.

All relevant conditions listed in the Shoalhaven Water Development Application Notice that are required to be satisfied prior to the issue of a Construction Certificate must be complied with and accepted by Shoalhaven Water. A Construction Certificate for each stage of the development must not be issued until the Certifier has obtained written confirmation from Shoalhaven Water that the conditions of the Shoalhaven Water Development Application Notice applicable to the relevant stage of the development have been complied with.

- C14. Land must be set aside for the provision of a sewerage pumping station (SPS) to service the lands that will drain to this proposed SPS.

The parcel of land for the SPS must:

- (a) be adjacent and/or have access to a public road by "axe-handle". Where a public road is initially not available, then an easement for access and services over Lot 30 DP 1198692 is to be provided in favour of Shoalhaven City Council;
- (b) have a minimum easement width of 10 m;
- (c) have an area of approximately 908 m<sup>2</sup> (as shown on Allen Price & Scarratts plan Ref 25489-11 Rev 17), or as directed by the Shoalhaven Water; and
- (d) be transferred to Shoalhaven City Council at no cost upon the registration of the Subdivision Certificate for Stage 1 of the development.

## DESIGN STANDARDS

C15. Prior to the issue of each Construction Certificate, engineering design plans and specifications for internal works are to be submitted to and approved by the Certifier. Details of all proposed works in the existing road reserve must be submitted to and approved by Council. In addition, the civil and road works must:

- (a) be designed in accordance with the requirements of the *Shoalhaven Development Control Plan 2014*, *Council's Engineering Design Specifications*, and *Development Construction Specifications*, current at the time of construction;
- (b) be designed by a qualified practising engineer in accordance with *Council's Engineering Design Specifications*;
- (c) be carried out by suitably qualified and experienced practitioners, with all work to be in accordance with Council's *Engineering Design Specifications*. In relation to the stormwater drainage design, the minor and major systems must be designed for a 1:5 year and 1:100 year rainfall recurrence intervals respectively, as follows:
  - (i) major systems must be designed by a qualified practising engineer; and
  - (ii) minor systems must be designed by Registered Surveyor or Engineer.

**Note:** Civil engineering work approvals and plans are only current for a period of 2 years. Details of proposed line markings and regulatory signs must be submitted to Council for referral to the Shoalhaven Traffic Committee and subsequent recommendation to Council. Six to eight weeks should be allowed for this.

## ROAD DESIGN STANDARDS (URBAN)

C16. Prior to the issue of the first Construction Certificate for road forming works, road formation designs must be submitted to and approved by Council. The designs must identify the integral barrier kerb and gutter and layback kerb and gutter specifications for all roads within the subdivision. The road forming works must also comply with the following requirements:

- (a) provide a 0.5 m berm for cut and fill inside lots from the road boundary;
- (b) provide subsoil drainage behind the kerb line on both sides of all roads;
- (c) provide kerb return radii at all intersections suitable for service vehicles and for Austroads 14.5 m buses on bus routes. This may require larger radii kerb returns;
- (d) have a minimum thickness of 30 mm of 10 mm asphalt concrete (AC10) on a pavement designed in accordance with Council's *Engineering Design Specifications*; and
- (e) the road design requirements outlined in *Planning for Bushfire Protection 2006*.

C17. A temporary vehicle turning area must be provided at the end of each stage as necessary to facilitate turning. The turning area must be designed to have a 12 m radius or turning heads in accordance with the requirements in *Planning for Bushfire Protection 2006*, and a minimum pavement thickness of 200 mm. The turning area must be delineated by the use of guide posts at maximum 5 m spacing with a D4-4A sight board at the end of the centreline. Details must be shown on the Construction Certificate drawings.

C18. The Applicant shall construct an entry threshold on Road 1, north of Road 16 and roundabouts at the intersections of Road 1 with George Evans Road, Road 1 and Road 9, and Road 1 and Road 14 consistent with the PA executed under Condition C3. Details of the above must be shown on the Construction Certificate Drawings.

**Note:** Concept designs for all traffic facilities and traffic calming treatments including all roundabouts, the northern threshold, the shared pathway (cycleway) and all line marking and signage throughout the development will require referral to the Shoalhaven Traffic Committee for approval. A minimum of six to eight weeks should be allowed for this. Any amendments to the designs following these approvals must be shown on the Construction Certificate drawings.

C19. Property boundaries at road intersections must have minimum 4 m corner splays. Splays involving a three-chord system are acceptable on bus routes and where adjacent to roundabouts.

The dimensions of splays on local access roads and all higher order roads must be based on the size of kerb return needed to cater for the appropriate design vehicle.

Intersections with roundabouts must have splays designed to permit the continuation of the footpath width from the major road. Details must be shown on Construction Certificate Drawings.

## ROAD DESIGN (RURAL)

- C20. Rural road standards are to be used where new residential streets join with existing rural roads. Existing unsealed rural roads may require sealing to reduce dust nuisance within 50 m of dwellings. Details must be shown on Construction Certificate Drawings.

## ACCESS HANDLE LOTS (URBAN)

- C21. A standard concrete integral gutter layback (as necessary) and/or a footpath crossing must be provided at the driveway entrance in accordance with the Standard Drawings in Council's *Engineering Design Specification*. Details must be shown on Construction Certificate Drawings.
- C22. The access must be designed with two reinforced concrete strips centrally placed each 0.8 m wide by 100 mm deep and spaced 0.8 m apart, reinforced with F72 mesh using 25 mpa concrete. The strips are to be located over 75 mm of compacted fine crushed rock. The design must include conduits for services for the full length of the driveway and ensure rainwater runoff is not concentrated onto adjoining lots whether or not they are part of the subdivision. Details must be shown on Construction Certificate drawings or provided with each Construction Certificate application.

Alternatively, car tracks may be replaced with a centrally placed 3 m wide concrete pavement having a depth of 100 mm, reinforced with F72 mesh using 25 mpa concrete. The slab is to be located over 75 mm of compacted fine crushed rock.

## FOOTPATH/CYCLEWAY DESIGN

- C23. Prior to the issue of the Construction Certificate for each stage of the development, details of the footpath/cycleway design and location must be submitted to and approved by Council. The approved designs must be incorporated into the Construction Certificate documents lodged for each stage of the development.

## STORMWATER DRAINAGE DESIGN

- C24. Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's *Engineering Design Specifications* and the *Shoalhaven Development Control Plan 2014* and the requirements of the Recharge and Stormwater Management Strategy approved under Condition C5. The minor and major systems must be designed for 20 % AEP for residential areas and have consideration for the 1 % AEP rainfall events respectively. Details must be shown on the Construction Certificate drawings.
- C25. Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1 % AEP with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50 % blocked. Details must be shown on the Construction Certificate drawings.
- C26. Detailed design of permanent stormwater quality improvement devices and major trunk drainage, including the detention basin/bioswale retaining works, must be certified by a civil or environmental engineer who has current NPER-111 registration or who can demonstrate the appropriateness of the proposed design for the site. Details must be shown on the Construction Certificate drawings.
- C27. All WSUD devices must be provided with an on-going maintenance manual detailing on-going maintenance requirements and methods. Details must be provided with application for a Construction Certificate.
- C28. All WSUD devices must be provided with means of access acceptable to Council. Details must be provided with each relevant Construction Certificate application.

## TABLE DRAINS

C29. All table drains constructed or realigned are to comply with the following:

- (a) table drains must not have a depth of flow for the 20 %, AEP higher than the bottom of the road pavement;
- (b) the maximum grade from edge of shoulder must be 4h:1v (desirable 6h:1v) with standard verge in accordance with the *Austroads Geometric Road Design Part 3*;
- (c) batter grades from the invert outwards are to be suitable for the stability of the existing ground or protected from erosion by approved measures. Desirable grade is 4h:1v;
- (d) table drains with grades less than 5 %, must be shaped to a uniform dish cross section placed with 75 - 100 mm of topsoil, track machine rolled, fertilised and grass seeded with suitable native species;
- (e) table drains with grades of 5 to 10 % must be treated similarly to those having less than 5 % grade but with the addition of a layer of Jutemaster TM, Fibre Mulch or equivalent product over the topsoil;
- (f) table drains with grades greater than 10 % must be uniformly shaped and lined with concrete, rock and cement grout or spraycrete, or a similar approved treatment. The road bitumen seal for grades > 12 % is to be widened to the edge of the lining; and
- (g) details of all table drains must be provided with a Construction Certificate application (where relevant).

## SUBMISSION OF ADDITIONAL PLANS

C30. Prior to the issue of any Construction Certificate, the Applicant shall submit a single plan to Council and the Certifier, identifying:

- (a) all areas subject to conservation actions or which are included within the Environmental Management Plan;
- (b) the location of all hollow bearing trees proposed for retention on-site; and
- (c) consistency of works and documentation (clearing, weed removal, protection, rehabilitation, plantings, embellishment) in all related plans.

C31. An Environmental Management Plan (EMP) must be prepared by a qualified ecologist to guide pre-clearing surveys, vegetation clearing, and construction works. The EMP must be prepared in accordance with Council's *Environmental Management Plan Guide* and must include, but not necessarily limited to the following:

- (a) on-going environmental monitoring and control of weeds by suitably qualified ecologists and/or bush regenerators;
- (b) measures to minimise the direct and indirect environmental impacts of the development, including access, regeneration, weeds and, erosion;
- (c) measures to protect vegetation that is to be retained;
- (d) site plan;
- (e) schedule of works;
- (f) monitoring and reporting;
- (g) specifications;
- (h) contact details; and
- (i) qualifications.

This EMP must be submitted to, and approved by Council, prior to the issue of any Construction Certificate.

## CONSTRUCTION TRAFFIC MANAGEMENT PLAN-SUB PLAN

- C32. Prior to the issue of the Construction Certificate for each stage of the development (i.e. Stages 1 to 11), the Applicant shall prepare and submit a Construction Traffic Management Sub-Plan (CTMP) to the Certifier for approval. The CTMP shall:
- (a) outline the duration of the construction works identified in the relevant Construction Certificate;
  - (b) detail the measures that would be implemented to ensure road safety, network efficiency and access during construction;
  - (c) contain a drivers' code of conduct to:
    - (i) minimise the impacts of construction on the local and regional road network; and
    - (ii) minimise conflicts with other road users;
  - (d) detail heavy vehicle routes, access and parking arrangements for employees and contractors;
  - (e) identify whether maintenance of the haulage routes is required, and the name of the person responsible for such maintenance;
  - (f) demonstrate that access to private properties will be maintained at all times; and
  - (g) if necessary, detail procedures for notifying any nearby residents of any potential disruptions to routes.

## EROSION AND SEDIMENT CONTROL SUB-PLAN

- C33. A Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, must be prepared by a suitably qualified and experienced person and based on the Landcom manual - *Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004*, and submitted to the Certifier for approval. The SWMP must be approved prior to the issue of a Construction Certificate. The SWMP must include, but is not limited to:
- (a) the area proposed to be exposed to the possibility of erosion as used in the calculations;
  - (b) existing and final contours (clearly distinguished and adequately annotated);
  - (c) identification of existing vegetation and current site drainage patterns;
  - (d) nature and extent of proposed clearing, excavation and filling;
  - (e) provision for the diversion of runoff around disturbed areas;
  - (f) location and type of proposed erosion and sediment control measures;
  - (g) location of vegetated buffer strips, unstable slopes, boggy areas, and restricted, "no access" areas;
  - (h) approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles;
  - (i) location of, and proposed means of stabilisation of site access;
  - (j) proposed staging of construction and SWMP measures;
  - (k) proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turf where erosion or scouring is likely to occur, and frequency of watering;
  - (l) maintenance program for all soil and water management measures;
  - (m) disposal site for silt removed from sediment traps;
  - (n) all design criteria and calculations used to size erosion and sediment control measures; and
  - (o) standard construction drawings for proposed soil, wind and water management measures.

## WASTE

- C34. Prior to the issue of the first Construction Certificate, the Applicant shall prepare and submit a whole of site Waste Management Plan (WMP) to the satisfaction of the Certifier. The WMP shall:
- (a) ensure waste generated by the development is classified and disposed of in accordance with the EPA's *Waste Classification Guidelines 2009*;
  - (b) address the requirements outlined in Chapter G7 of the *Shoalhaven Development Control Plan 2014*; and
  - (c) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste.

## LANDSCAPE AND VEGETATION MANAGEMENT PLAN

C35. Prior to the issue of the first Construction Certificate, a Master Landscape and Vegetation Management Plan for the area identified as 'Area A' in Appendix 2 of this consent, must be submitted to and approved by Council. The plan shall:

- (a) be prepared by a suitably qualified and experienced landscape architect in consultation with the RFS;
- (b) identify the location of all existing and proposed infrastructure, including underground services;
- (c) identify existing site conditions (contours, vegetation, drainage, etc.);
- (d) identify the approximate location and description of structures and vegetation (in particular any groundwater dependent species) on adjacent properties;
- (e) identify all vegetation to be retained and removed, including isolated trees or habitats of ecological significance;
- (f) demonstrate planting will be undertaken in accordance with the entrance/gateway requirements and landscape strategy outlined in Chapter NB1 of the *Shoalhaven Development Control Plan 2014*, the requirements outlined in Appendix 5 of *Planning for Bushfire Protection 2006*, and the relevant Australian Standards;
- (g) include street trees at the rate of two trees with minimum 35 litre pot size per allotment, or one tree larger tree with a minimum 60 litre pot size located centrally to each lot, unless otherwise agreed to by Council. The following details are to be shown on the plans:
  - (i) each tree is to be protected by a braced structure comprising four timber posts with 75 mm x 75 mm minimum dimensions; and
  - (ii) root barriers placed between the trees and above or below ground civil infrastructure to a minimum depth of 1 m, at least twice the pot size away from the tree and extend along the service for a minimum length of half the mature drip line.
- (h) a protocol to ensure trees in unformed road reserves, existing or proposed public/drainage reserve areas or pathways, and within lots are assessed by an Arborist, and those trees identified as being dangerous are to be removed. Assessment for removal is to be made based on the degree of risk to public or private property or persons;
- (i) identify all replacement trees for trees proposed for removal in existing public reserves;
- (j) specify locations for protective fencing around 'no go areas' and areas where trees will be retained;
- (k) specify the type of grass seed or turf to be used (Council prefers Australian native grasses in urban developments);
- (l) a list of:
  - (i) the botanical and common names of all proposed plantings (and cultivar name if applicable);
  - (ii) the size of all plants in litres when planted;
  - (iii) details of the time it will take for each plant species to reach maturity; and
  - (iv) typical plant heights and spread at maturity (to determine possible restriction to sight distance and clearance at intersections and other locations as necessary);
- (m) ensure timber bollards are provided 1 m from the kerb adjacent to the proposed bushland reserve;
- (n) ensure no turf is located adjacent to bushland reserves along the site perimeter road; and
- (o) describe on-going measures that will be implemented to maintain landscaping and vegetation within 'Area A' for the life of the development.

## STAGE SPECIFIC LANDSCAPE AND VEGETATION MANAGEMENT PLANS

C36. Prior to the issue of each Construction Certificate for works within Stages 1 to 11, a stage specific Landscape and Vegetation Management Plan must be submitted to and approved by Council. The stage specific Landscape and Vegetation Management Plans shall must be consistent with the requirements outlined in the Master Landscape and Vegetation Management Plan approved under Condition C35 above.

## PRE-CONSTRUCTION DILAPIDATION REPORTS

C37. Prior to the issue of a Construction Certificate for earthworks, the Applicant shall:

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- (a) engage a suitably qualified person to prepare a pre-construction dilapidation report detailing the current structural condition of all adjoining buildings, infrastructure and roads within the 'zone of influence' (including roads, gutters and footpaths). Any entry onto private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'
- (b) the report shall be approved by the Certifier prior to the issue of a Construction Certificate for earthworks and a copy of the report shall be forwarded to each of the affected property owners, Council and the Planning Secretary
- (c) in the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed; and
- (d) any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with Council's standards prior to the issue of each Subdivision Certificate.

### OUTDOOR LIGHTING

- C38. All outdoor lighting within the site shall comply with, where relevant, AS/NZ 1158.3.1:1999 Road lighting Part 3.1 Pedestrian area (Category P) lighting - Performance and installation design requirements, AS 4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting* and the *Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes*. Details confirming the lighting design complies with the above requirements must be submitted to the Certifier with each Construction Certificate(s) authorising the installation of outdoor lighting.

## PART D: PRIOR TO COMMENCEMENT OF WORKS

### NOTICE OF COMMENCEMENT OF WORKS

- D1. The Department and Council must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage of the development and the development to be carried out in that stage.

### STATUTORY REQUIREMENTS

- D3. The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

### UTILITY SERVICES

- D4. Prior to the commencement of works, the Applicant must obtain written approval from the utility authorities (electricity, an approved telecommunications provider etc) in connection with the relocation and/or installation of services. Any construction or relocation costs are to be the responsibility of the Applicant.

### CONTACT TELEPHONE NUMBER

- D5. Prior to the commencement of works, the Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

### ROAD OCCUPANCY REQUIREMENTS

- D6. Prior to undertaking works within an existing road reserve, the Applicant must seek Council's consent under section 138 of the *Roads Act 1993*. The following details, where relevant, must be submitted with the request for consent:
- (a) any pavement design required by this consent;
  - (b) a Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site. The Plan must address the matters outlined in the RTA Technical Manual Traffic Control at Work Sites and the provisions of AS 1742.3 - 2009 *Traffic Control Devices for Works on Roads*;
  - (c) water, sewerage and landscaping works, along with copies of the layout plans and work method statements for these works. Where the above works form part of the section 138 application, all layout plans and work method statements must also be submitted to Council's Subdivision Manager;
  - (d) insurance details; and
  - (e) the name and contact information of the person/company appointed to supervise the construction.

The TCP required under (b) above, must be prepared, signed and certified by a person holding an appropriate RMS accreditation. A copy of the accreditation must be submitted with the TCP. Where a TCP requires a reduction in the speed limit, a 'Direction to Restrict' must also be submitted with the request for consent. In addition, where works are proposed on a road controlled by RMS, a Road Occupancy Licence must be obtained from RMS prior to the lodgement of the TCP.

### EXISTING SERVICES

- D7. Prior to the commencement of works, the Applicant must check that the proposed works are not affected by, or do not affect any Council, electricity, telecommunications, gas or other services. All services existing and proposed, above or below ground are to be shown accurately on the

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engineering plans, including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the Applicant's expense.

## FAUNA MANAGEMENT PROCEDURE FOR VEGETATION REMOVAL

- D8. A Fauna Management Procedure (FMP) must be submitted to and approved by Council prior to the removal of any vegetation. The FMP must include the following details:
- (a) existing vegetation to be removed and ground to be disturbed;
  - (b) likely fauna to be affected;
  - (c) any surveys proposed to assist with the identification and relocation of fauna;
  - (d) proposed fauna protection measures;
  - (e) methods of euthanasia of injured fauna; and
  - (f) the names of individuals and their qualifications and experience who are proposed to undertake the fauna spotting and rescue/relocation.

**Note:** A qualified wildlife handler will be required to provide written certification to Council that fauna management has been undertaken in accordance with the approved procedure.

## CONSTRUCTION MANAGEMENT PLAN

- D9. Prior to the commencement of works the Applicant must prepare and submit an updated Construction Management Plan (CMP). The CMP must also be updated prior to the commencement of works in Stages 2 to 11 and must:
- (a) be prepared by a suitable qualified and experienced person in consultation with Council;
  - (b) be approved by the Certifier prior to the commencement of construction;
  - (c) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - (d) clearly outline the stages/phases of construction that require on-going environmental management and/or reporting;
  - (e) outline all environmental management practices and procedures to be followed during construction works associated with each stage of the development;
  - (f) describe all activities to be undertaken on the site during construction of the development, including a clear indication of the type and duration of works associated with each stage of the development;
  - (g) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address any adverse environmental impacts;
  - (h) describe the roles and responsibilities for all relevant employees involved in construction works associated with the development;
  - (i) document and incorporate all sub-management plans required under Condition D10 of this consent; and
  - (j) include arrangements for community consultation and complaints handling procedures during construction.
- D10. As part of the CMP required under Condition D9 of this consent, the Applicant shall include the following sub-plans approved under Conditions C31 to 33 and Conditions D11 and D12 of this consent:
- (a) environmental management;
  - (b) construction traffic;
  - (c) stormwater management;
  - (d) erosion and sediment control;
  - (e) groundwater dependent ecosystems; and
  - (f) community consultation and complaints handling.

## STORMWATER MANAGEMENT SUB-PLAN

- D11. A Stormwater Management Sub-Plan must be submitted to the Certifier for approval prior to the commencement of works within each stage of the development. The Stormwater Management Sub-Plan must:
- (a) be prepared by a suitably qualified engineer prior to the commencement of the relevant works in consultation with Council;

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- (b) identify all permanent stormwater management devices that will be relied upon during the construction phase of the project; and
- (c) describe the measures that would be implemented to maintain this infrastructure during the construction phase of the project.

## GROUNDWATER DEPENDENT ECOSYSTEMS CONSTRUCTION MANAGEMENT SUB-PLAN

- D12. Prior to the commencement of construction works in each stage of the development, a Groundwater Dependent Ecosystems Management Sub-Plan must be submitted to and approved by Council. This sub-plan must:
- (a) include a plan identifying the location and type of fencing required to protect vegetation located in 'Area B' as identified in Appendix 2;
  - (b) identify suitable locations for the installation of signage along the perimeter fencing required under (a) above, to ensure the land within 'Area B' is clearly delineated and protected;
  - (c) include measures to ensure sediment laden water is not directed into 'Area B' or any areas where GDEs are located outside the application area;
  - (d) provide locations and design details for all sediment control measures required to ensure silt laden water is intercepted before reaching any sensitive areas the subject of the water quality monitoring required under Condition C6; and
  - (e) include measures to ensure all operational water quality controls constructed for each stage of the development are protected (once the devices become operational) for the duration of the construction works.

## ABORIGINAL CULTURAL HERITAGE MANAGEMENT

- D13. The Applicant shall prepare an Aboriginal Cultural Heritage Management Plan in consultation with the Nowra Local Aboriginal Land Council. The Plan must be submitted to and approved by **the Planning Secretary** prior to the commencement of works within Stage 1 of the development.

## BIODIVERSITY OFFSET REQUIREMENTS

- D14. The Applicant must retire the credits listed in **Table 1** to offset the ecological impacts of the development in accordance with the Framework for Biodiversity Offset Assessment. The credits must be retired in phases prior to the commencement of works within stages 1, 4 and 7 of the development, in accordance with the minimum requirements set out in **Table 2** below.

**Table 1: Total Ecosystem and Species Credits Required to Offset the Development**

Summary of Ecosystem Credits		
Plant Community Type	Impact Area (ha)	Credits Required
SR549 Grey Gum – Blue-leaved Stringybark open forest on gorge slopes, southern Sydney Basin Bioregion and north east South Eastern Highlands Bioregion	4.27	251
SR595 Hairpin Banksia- Kunzea ambigua – Allocasuarina distyla heath on coastal sandstone plateaux, Sydney Basin Bioregion	2.29	109
SR648 Red Bloodwood – scribbly gum healthy woodland on sandstone plateaus of the Sydney Basin Bioregion	3.16	151
SR556 Swamp mahogany swamp sclerophyll forest on coastal lowlands of the Sydney Basin Bioregion and South East Corner Bioregion	0.74	33
<b>TOTAL</b>	<b>10.46</b>	<b>544</b>
Summary of Species Credits		
Species	Impact Area (ha)	Credits Required
Triplarina nowraensis (Nowra Heath-myrtle)	0.945 ha	4,995

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**Table 2:** Staging Schedule of for the Retirement of Ecosystem and Species Credits Required to Offset the Development

Timing	Biodiversity Offset Commitment
Prior to development commencing for Stage 1	<ul style="list-style-type: none"> <li>60 ecosystem credits must be retired to offset the loss of the PCTs identified in Table 1; and</li> <li>4,995 species credits must be retired to offset the loss of <i>Triplarina nowraensis</i>.</li> </ul>
Prior to development commencing for Stage 4	<ul style="list-style-type: none"> <li>242 ecosystem credits must be retired to offset the loss of the PCTs identified in Table 1.</li> </ul>
Prior to development commencing for Stage 7	<ul style="list-style-type: none"> <li>242 ecosystem credits must be retired to offset the loss of the PCTs identified in Table 1.</li> </ul>

## ACID SULFATE SOILS MANAGEMENT PLAN

- D15. Prior to the commencement of excavation works below levels where potential acid sulfate soils (PASS) or actual acid sulfate soils (AASS) were identified in the Preliminary Acid Sulfate Soils Assessment, prepared by Martens & Associates Pty Ltd, dated January 2015, the Applicant must submit an Acid Sulfate Soils Management Plan (ASSMP) to the satisfaction of Council. The ASSMP should be prepared in accordance with the *Acid Sulfate Soils Manual (1998) NSW EPA*.

## ACCESS TO INFORMATION

- D16. At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- make the following information and documents (as they are obtained or approved) publicly available on its website:
    - the documents referred to in Condition B1 of this consent;
    - all current statutory approvals for the development;
    - all approved strategies, plans and programs required under the conditions of this consent;
    - regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - a summary of the current stage and progress of the development;
    - contact details to enquire about the development or to make a complaint;
    - a complaints register, updated monthly;
    - audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - any other matter required by the Planning Secretary; and
    - keep such information up to date, to the satisfaction of the Planning Secretary.

## COMPLIANCE REPORTING

- D17. No later than six weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- D18. Compliance Reports for the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- D19. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department in writing when this has been done.

## INDEPENDENT AUDIT

- D20. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- D21. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under Condition D20 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- D22. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D21 of this consent;
  - (b) submit the response to the Department; and
  - (c) make each Independent Audit Report and response to it, publicly available within 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

## PART E: DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- E1. 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 must be made available to any officer of the Department, Council, or the PCA.

### SITE NOTICE

- E2. A site notice 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 contractor, the PCA and Structural Engineer.
- E3. The notice must satisfy all, but not be limited to, the following requirements:
- a. the notice must be able to be read by the general public;
  - b. the notice is to be rigid, durable and weather proof and displayed throughout the works period;
  - c. the approved hours of works, 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 complaints are to be displayed on the site notice; and
  - d. the notice is to be mounted at eye level on the perimeter fencing and state that unauthorised entry to the site is not permitted.

### HOURS OF WORK

- E4. Construction activities associated with the development shall be undertaken during the following standard construction hours:
- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and
  - (b) 8:00 am to 1:00 pm Saturdays; and
  - (c) at no time on Sundays or public holidays.
- E5. Construction works outside of the standard construction hours identified in Condition E4 may be undertaken in the following circumstances:
- (a) construction works that generate noise that is:
    - (i) no more than 5 dB(A) above rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009); and
    - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) at other sensitive receivers; or
  - (b) for the delivery of materials required outside the hours specified in E4 by the NSW Police Force or other authorities for safety reasons; and
  - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

### SAFE WORK AUSTRALIA REQUIREMENTS

- E6. To protect the safety of work personnel and the public, the site shall be adequately secured to prevent access by unauthorised personnel, and works shall be conducted at all times in accordance with the relevant Safe Work Australia requirements.

### DEMOLITION

- E7. All demolition works shall comply with the provisions of *Australian Standard AS 2601-2001 The Demolition of Structures*. The work plans required by AS 2601-2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the AS 2601-2001. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifier prior to the commencement of works.

## IMPLEMENTATION OF CONSTRUCTION MANAGEMENT PLAN AND ASSOCIATED SUB-PLANS

- E8. The approved Construction Management Plan and associated sub-plans (as revised and approved by the Planning Secretary from time to time) must be implemented by the Applicant for the duration of the construction works.

## ASBESTOS WASTE CLASSIFICATION AND DISPOSAL

- E9. All excavation works involving the removal and disposal of asbestos must only be undertaken by a contractor who holds a current SafeWork NSW Friable (Class A) or Non-Friable (Class B) Asbestos Removal Licence, whichever applies.

A copy of the Asbestos Clearance Certificate (or certificates) prepared by a suitably licenced asbestos removalist shall be provided to the Department, the PCA and Council (where Council is not the PCA) upon completion of asbestos removal works in each stage of the development. The Applicant shall ensure the asbestos removal works comply with the relevant requirements of the *Work, Health and Safety Regulation 2017*.

14 days prior to the commencement of demolition works involving asbestos removal, all adjoining properties must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person's name for the site, together with telephone number and email address.

No later than 7 days prior to the demolition of any building structure, the Applicant shall provide a written statement to Council confirming whether the building or structure proposed for demolition contains asbestos or material containing asbestos. In the event the building or structure contains the above, the following additional information must be provided to Council:

- (a) a hazardous substance audit report, consistent with AS2601-2001, and prepared by a suitably qualified and experienced person; and
- (b) a Hazardous Substances Management Plan consistent with AS2601-2001 and prepared by a suitably qualified and experienced person.

Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works.

All work must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Work Cover document *How to manage and control asbestos in the work place: Code of Practice* (Safework NSW), December 2011.

## IMPLEMENTATION OF REMEDIAL ACTION PLAN

- E10. All remediation works are to be undertaken in accordance with the *Remedial Action Plan Lot 3 DP568613 & Lot 384 DP 755952 Mundamia, NSW*, prepared by Martens Consulting Engineers, dated April 2013. Any amendments to the approved Remedial Strategy must be approved by the Site Auditor.

## EROSION AND SEDIMENT CONTROL

- E11. During construction works, the Applicant shall implement and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of *Managing Urban Stormwater: Soils and Construction Guideline*.

## EARTHWORKS

- E12. Where fill is imported to the site, the Applicant shall obtain documentation from the fill supplier certifying the fill material is not contaminated. Evidence the fill is not contaminated must be provided to Council and the Department within 14 days of the completion of earthworks for each stage of the development.

## POLLUTION OF WATERS

- E13. The Applicant shall comply with section 120 of the POEO Act, except as may be expressly permitted by a licence under the POEO Act.

## AIR QUALITY

- E14. The Applicant shall:
- (a) implement best management practice, including all reasonable and feasible mitigation measures to prevent and minimise dust and odour emissions from operation of the development;
  - (b) minimise any visible off-site air pollution that occurs as a result of construction of the development; and
  - (c) ensure the development does not cause or permit the emission of any offensive odour (as defined by the POEO Act).

## DUST MANAGEMENT

- E15. During construction, the Applicant shall ensure that:
- (a) all vehicles on site do not exceed a speed limit of 30 kilometres per hour;
  - (b) all loaded vehicles entering or leaving the site have their loads covered; and
  - (c) all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials onto public roads.

## CONSTRUCTION NOISE LIMITS

- E16. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the management and mitigation measures in the updated CMP approved by the Planning Secretary.

**Note:** The *Interim Construction Noise Guideline* identifies 'particularly annoying' activities that require the addition of SdB(A) to the predicted level before comparing to the construction NML.

- E17. Any noise generated during the construction of the development must not be offensive noise within the meaning of the POEO Act.
- E18. If noise from construction activity is substantially tonal or impulsive in nature, as described in Chapter 4 of the *NSW Industrial Noise Policy*, SdB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

## CONSTRUCTION NOISE AND VIBRATION

- E19. Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
  - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
  - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a one-hour respite between ceasing and recommencing any of the work the subject of this condition.

- E20. The development shall be constructed with the aim of achieving the following construction vibration goals:

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- (a) for structural damage, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration - effects of vibration on structures*; and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

E21. Where feasible and reasonable, noise mitigation measures shall be implemented at the start of construction (or at other times during construction) to minimise construction noise impacts.

## OPERATION OF PLANT AND EQUIPMENT

- E22. The Applicant shall ensure all plant and equipment used for the development is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## ABORIGINAL ARCHAEOLOGY

E23. The Applicant shall implement the Aboriginal Cultural Heritage Management Plan approved under Condition D13 of this approval.

E24. In the event that surface disturbance identifies a new Aboriginal object, all works must cease in the immediate area to prevent any further impacts to the object(s).

A suitably qualified archaeologist and 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) which is managed by EESG and the management outcome for the site included in the information provided to AHIMS.

The Applicant must consult with the Aboriginal community representatives, including the Nowra Local Aboriginal Land Council, the archaeologist and the EESG to develop and implement management strategies for all objects/sites.

## FLORA AND FAUNA PROTECTION

E25. Prior to the commencement of any clearing works, the extent of clearing as shown on the approved plans must be accurately surveyed and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained.

E26. Prior to the commencement of any clearing works a suitably qualified environmental consultant must select/identify trees to be retained, including the hollow-bearing trees, as shown on the approved plans and identify where they comply with *the Standards for Asset Protection Zones* of the NSW RFS.

E27. Removal of vegetation must be undertaken in compliance with the approved Environmental Management Plan and retained trees and other vegetation should be appropriately protected from damage during the construction process.

E28. A suitably qualified and licensed NSW National Parks & Wildlife Service wildlife handler must be on site prior to, and during the removal of any trees or areas of potential habitat on the site, to rescue fauna. All hollow bearing trees must be checked for fauna before felling. If nests are present, they must be carefully relocated in accordance with the recommendations of the licensed wildlife handler.

All hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. The tree must be then felled in sections utilising a cherry picker or crane, if necessary, to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected for fauna and relocated in an appropriate location determined by the licensed wildlife handler or environmental consultant.

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**Note:** volunteer wildlife rescue organisations cannot be used to assist with the rescue of fauna during site clearing works.

- E29. The environmental consultant/licensed wildlife handler must provide a written report to Council detailing any fauna identified during clearing works and confirming the procedures used to manage fauna during the clearing works. The report is to be submitted within 10 days of the clearing taking place.
- E30. All clearing works and the associated machinery and refuse must be contained within the inner Asset Protection Zone. The parking of machinery and vehicles or the storing of materials, soil, spoil, or rubbish, within the fenced area around retained trees is prohibited.

## RETENTION OF TREES

- E31. All existing trees identified for protection must:
- (a) have protective fencing installed in a location and manner approved by Council;
  - (b) not have excavation occurring inside the drip line unless essential, in which case all excavation is to be undertaken by hand to protect and retain tree roots; and
  - (c) have tree surrounds/guards maintained for the duration of the construction period.
- Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373-1996 *Pruning of Amenity Trees*.

## VEGETATION TO BE MULCHED/TRANSPORTED

- E32. All vegetation, trees etc. that are to be removed and existing stumps and logs must be either mulched (material to pass through a 100 mm sieve) on-site, or transported to a green waste receiving station, or other approved location. Vegetation or other material must not be burnt or stored permanently on-site.

On-site mulched material may be re-used throughout the site to control erosion and encourage water conservation around landscaping. Should the Applicant seek to re-use mulch on site, details are to be included with the landscaping or construction plans required for approval by this consent.

## NO OBSTRUCTION OF PUBLIC WAY

- E33. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all works on-site.

## FENCING REQUIREMENTS

- E34. No third party advertising is permitted to be displayed on the temporary fencing erected during the construction period.

## IMPACT OF WORKS ON OTHERS

- E35. The following general conditions must be adhered to;
- (a) runoff currently entering the site from uphill properties must not be obstructed, or redirected from entering the site;
  - (b) existing roads, footpaths and reserves adjacent to and nearby the site must be kept clear of soil, debris, materials and equipment; and
  - (c) all construction work is to be carried out so that at any time adjoining property owners are not deprived of all-weather access or subjected to additional storm water runoff during the period of construction.

## CONTACT TELEPHONE NUMBER

- E36. The Applicant shall ensure the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## COMPLIANCE

- E37. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

The Applicant shall be responsible for any environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

## BUILDING CODE OF AUSTRALIA

- E38. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

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## PART F: PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

### SECTION 64 CONTRIBUTIONS

- F1. A Certificate of Compliance (COC) under Section 307, Division 5, Part 2, Chapter 6 of the Water Management Act 2000, must be obtained to verify all necessary matters relating to water supply and sewerage supply (where applicable) for the development have been made with Shoalhaven Water. A COC shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application notice (including but not limited to payment of relevant fees, bonds, etc), and prior to the issue of a Subdivision Certificate.

In the event the development is to be completed in stages, separate COC's shall be obtained for each stage of the development.

### SECTION 7.11 CONTRIBUTIONS

- F2. In accordance with Division 6, Part 4 of the Act, the contributions contained in **Table 1** below, determined in accordance with the *Shoalhaven City Council's Contributions Plan 2019*, as at the date of this consent, must be paid to Council prior to the issue of a Subdivision Certificate for each stage of the subdivision.

**Table 1:** Contribution Items

Project	Description	Rate	Qty	Total
01AREC2006	Northern Shoalhaven Sports Stadium	\$563.30	1	\$563.30
01AREC0009	Planning Area 1 recreational facilities upgrades	\$721.31	1	\$721.31
01AREC3007	Nowra Swimming Pool Expansion	\$400.98	1	\$400.98
01CFAC0014	Mundamia URA Community/Childcare Centre	\$2,510.39	1	\$2,510.39
01CFAC2012	Nowra Integrated Youth Services Centre	\$32.09	1	\$32.09
01OREC0014	Mundamia URA - Central Open Space	\$1,946.63	1	\$1,946.63
01ROAD0145	Mundamia URA Access Roads	\$4,791.56	1	\$4,791.56
01ROAD0146	Mundamia URA Shared Cycle/Pathway - George Evans Road	\$394.19	1	\$394.19
01ROAD0149	Mundamia URA George Evans and Yalwal Road Intersection Upgrade	\$1,407.67	1	\$1,407.67
01ROAD0150	Roundabouts - Yalwal Road/Rannoch Drive and Yalwal Road/Lightwood Drive	\$937.84	1	\$937.84
01ROAD0152	Traffic signals and associated works at intersection of Albatross/Yalwal Roads.	\$300.54	1	\$300.54
CWAREC0005	Shoalhaven Community and Recreational Precinct (SCaRP) Cambewarra Road, Bomaderry	\$2,441.62	1	\$2,441.62
CWCFAC0007	Shoalhaven Regional Gallery	\$70	1	\$70
CWCFAC0006	Shoalhaven City Library Extensions	\$839.63	1	\$839.63
CWCFAC2002	Shoalhaven Entertainment Centre	\$1,490.97	1	\$1,490.97

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CWFIRE2001	Rural Fire and Emergency Service Plant and Equipment	\$133.68	1	\$133.68
CWFIRE2002	Shoalhaven Fire Control Centre	\$195.57	1	\$195.57
CWMGMT3001	Contributions management & administration	\$555.90	1	\$555.90
<b>Total</b>		<b>\$19,733.87</b>	<b>1</b>	<b>\$19,733.87</b>

Contribution rates are adjusted annually on 1 July in accordance with the indexation formula indicated in the *Shoalhaven Contributions Plan 2019* (currently the implicit price deflator) and the total contribution levied will be adjusted accordingly at the time of payment. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent).

A total contribution, currently assessed at the sum of \$19,733.87 (i.e. 2019 rate) per ET, or as indexed in future years, must be paid to Council prior to the issue of a Subdivision Certificate.

The contribution for the community hall may be varied, if agreed to by Council in writing.

The *Shoalhaven Contributions Plan 2019* may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla or at [Http://cp.shoalhaven.nsw.gov.au/](http://cp.shoalhaven.nsw.gov.au/)

- F3. If the carrying out of works to provide an item of infrastructure set out in the *Shoalhaven Contributions Plan 2019* is accepted in part or in full satisfaction of Condition F2 above, to pay the contribution(s) under section 94 (5) of the Act, the works shall be the subject of a works-in-kind agreement executed in accordance with the provisions of the *Shoalhaven Contributions Plan 2019*. Evidence confirming that the works have been completed to Shoalhaven Council's satisfaction must be provided to the Certifier prior to the issue of any Subdivision Certificate, or such other time as may be agreed with the Council.
- F4. All civil infrastructure that is required, including external works to the stage, that are necessary to service the stage of the development identified in the Subdivision Certificate must be provided in accordance with the approved Construction Certificate Plans. A statement from a suitably qualified engineer verifying the relevant civil infrastructure necessary to service the relevant stage of the subdivision must be provided to the PCA's satisfaction prior to the issue of each Subdivision Certificate.

### SITE VALIDATION

- F5. Within six months of the completion of the remediation works associated with each stage of the development, and prior to the issue of each Subdivision Certificate, the Applicant shall submit a detailed Site Audit Summary Report, Site Audit Statement and Validation Report to the Planning Secretary, Council and the Certifier. The validation and audit process may occur progressively to the satisfaction of the Site Auditor.

The Site Audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by an EPA accredited Site Auditor. The Site Audit must verify the land is suitable for the proposed uses.

The Site Auditor must also verify all excavated material disposed of off-site has been appropriately classified, validated and managed.

On completion of the remediation works, the Applicant shall provide the relevant notice(s) to the Planning Secretary and Council, as per the requirements of clause 18 of State *Environmental Planning Policy No. 55 Remediation of Land*.

## BUSHFIRE PROTECTION

- F6. Prior to the release of a Subdivision Certificate for each stage of the development, the following information shall be prepared by a suitably qualified bushfire consultant, and submitted to the Certifier for approval, unless prior alternate arrangements have been made with RFS:
- (a) the entirety of each stage, including a distance out to 100 m from the stage boundary, is created as an inner protection area (IPA), consistent with the requirements of section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the RFS' *Standards for Asset Protection Zones*, unless the final APZs exceed the requirements identified elsewhere in this consent;
  - (b) where APZs for each lot extend outside the subject lot, a suitable legal mechanism must be provided to ensure each lot may create, and manage for the life of the development, the surrounding land as an APZ;
  - (c) each stage is provided with either:
    - (i) a perimeter road consistent with the requirements of Section 4.1.3(1) of *Planning for Bushfire Protection 2006*; or
    - (ii) a temporary perimeter fire trail consistent with the requirements of Section 4.1.3(3) of *Planning for Bushfire Protection 2006*;
  - (d) each stage of the subdivision must be provided with water, electricity and gas services consistent with the requirements of Section 4.1.3 of *Planning for Bushfire Protection 2006*;
  - (e) public roads for each stage comply with the requirements of Section 4.1.3(1) of *Planning for Bushfire Protection 2006*; and
  - (f) all property access roads for each stage comply with the requirements of Section 4.1.3(2) of *Planning for Bushfire Protection 2006*.

**Note:** Condition F6(a) does not apply to land considered to be 'managed land' such as surrounding existing urban development and roads. If the surrounding hazard is temporary (i.e. to be removed as part of a future stage) then the legal mechanism may be temporarily imposed, until such time as the hazard has been removed and becomes 'managed land'.

- F7. Prior to the release of a Subdivision Certificate for Stage 1 of the development, documentation prepared by a suitably qualified bushfire consultant which provides a schedule of all lots in the subdivision that will require internal setbacks to achieve the APZs outlined in Condition A1 9(a)(i) must be submitted to, and approved by, the Certifier. The documentation must also identify which stage of the development each lot is located in.

**Note:** This is generally all lots along the perimeter road system along the eastern and northern boundaries, and the eastern portion of the southern boundary between Road 4 and 5.

- F8. Prior to the release of a Subdivision Certificate for Stage 1 of the development, access is to be constructed in accordance with the layout approved under Part A of this consent. This includes access via Jonsson Road to George Evans Road and onto Yalwal Road and a new access road internally exiting the site to the south west corner and re-joining George Evans Road. This access is to be constructed/upgraded to be at a minimum, in accordance with section 4.1.3(2) Property Access of *Planning for Bushfire Protection 2006*, as amended from time to time, and is to be lawfully available to each lot within the subdivision.

**Note:** Where this access road is located outside a road reserve then an easement shall be obtained providing all lots with approval to use this access, or the road is to be relocated within the road reserve boundaries.

- F9. Prior to the release of a Subdivision Certificate for each stage of the development, documentation must be prepared by a suitably qualified bushfire consultant and shall be submitted to and approved by the Certifier, demonstrating all lots identified in the schedule required under Condition F7, are provided with a suitable Restriction as to User under Section 88 B of the *Conveyancing Act 1919*.

The Restriction as to User is to specify any future development for all buildings and structures located within 100 metres of a bushfire hazard must be accompanied by a report demonstrating

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the habitable structure(s) comply with AS 3959 and Appendix 3 of *Planning for Bushfire Protection 2006*, as amended from time to time. The maximum construction standard shall be BAL 29. All documentation should identify which stage of the development each lot is located in.

**Note:** RFS advises the above requirement generally applies to all lots adjoining the perimeter road system along the northern and eastern boundaries, and the eastern portion of the southern boundary.

- F10. Prior to the issue of a Subdivision Certificate for any stage containing lots adjacent to the perimeter roads documentation must be prepared by a suitably qualified bushfire consultant and shall be submitted to and approved by the Certifier, demonstrating these lots can provide a suitable envelope for a habitable structure that is capable of complying with, at a maximum, a BAL of 29 under AS 3959 and Addendum Appendix 3 of *Planning for Bushfire Protection 2006*. This is to be registered on affected lots by way of a Restriction as to User under Section 88B of the *Conveyancing Act 1919*.
- F11. Prior to the issue of a Subdivision Certificate for Stage 1 of the development, the Applicant must construct a temporary alternate access road to the site in accordance with drawing 25489-18 Revision P1, prepared by Allen Price and Scarratts, dated 6 July 2016.
- This access must be constructed to comply with the minimum requirements outlined in Section 4.1.3(2) of *Planning for Bushfire Protection 2006* and is to be lawfully available to each lot within the subdivision until it is replaced with a public access road.
- F12. Prior to the sale of any lots and the release of any Subdivision Certificate, the Applicant must complete the construction of the NSP. The NSP must be constructed at the Applicant's expense to the satisfaction of Council and the RFS.
- F13. Prior to the release of a Subdivision Certificate, the Applicant must provide and install appropriate signage at the NSP detailing the NSP's function and the risk of using George Evans Road during bushfire, to the satisfaction of Council and the RFS.
- F14. Prior to the release of a Subdivision Certificate for each stage, the Applicant must provide and install appropriate signage on the alternate access routes to the NSP, to the satisfaction of Council and the RFS.
- F15. Prior to the release of any Subdivision Certificate, the Applicant must provide and install appropriate signage, to the satisfaction of RFS and Council, on:
- the access roads (including at the intersection of George Evans Road and Yalwal Road) detailing the risk of bushfire to George Evans Road; and
  - the end of Road 6 detailing it is a no through road and it is not a bushfire evacuation route.

## MANAGEMENT OF POTENTIAL PUBLIC RESERVES (BUSHLAND)

- F16. In the event the biodiversity credits required to offset the ecological impacts of the development are retired on lands outside the application area, the Applicant shall prepare a separate Vegetation Management Plan (VMP) for the land identified as 'Area B' at **Appendix 2**, prior to the issue of the first Subdivision Certificate for the development.

The VMP for 'Area B' must be submitted to Council for approval and must identify the measures proposed to manage existing vegetation and maintain the biodiversity values of the land within 'Area B', including any on-going monitoring and/or rehabilitation works, fencing, weed removal and pest management.

The approved VMP for 'Area B' must be implemented in-perpetuity by the Applicant.

**Note:** If Council accepts dedication of the land the subject of the VMP for 'Area B', the Applicant will cease to be responsible for its implementation.

## DECOMMISSIONING OF DAMS

- F17. Prior to the issue of the relevant Subdivision Certificate, the Applicant must provide the Certifier with a statement from a suitably qualified and experienced geotechnical engineer confirming all on site dams have been filled in accordance with the relevant Australian Standards after desilting.

## LANDSCAPE AND STREET TREES

- F18. All landscaping works, including the planting of street trees, must be completed prior to issue of each Subdivision Certificate in accordance with the relevant Landscape and Vegetation Management Plan approved under Condition C36 of this consent. All trees are to be suitably maintained until established. Any trees not established upon expiry of the maintenance period must be replaced and maintained until established (a bond will be required).

**Note<sup>1</sup>:** maintenance periods typically commence upon Council's endorsement/acceptance of the works-as-executed plans.

**Note<sup>2</sup>:** landscaping works are only required to be completed to the extent that they are included within the approved Landscape and Vegetation Management Plan to which the stage relates.

- F19. Prior to the issue of each Subdivision Certificate, street name signs and posts must be erected at all street intersections and in accordance with Council approved street names. Street signs must be in accordance with requirements of Council's *Development Construction Specifications C262 Signposting* and *AS1742.5 Street Signs*.

**Note:** Street name signs and associated infrastructure are only required to be installed to the extent that they are relevant to the stage that the Subdivision Certificate relates.

## STORMWATER MANAGEMENT

- F20. All recharge and stormwater management works approved under the approved recharge and stormwater management plan and the Stormwater Management Sub-Plan(s) (as revised and approved by the Planning Secretary from time to time) must be installed prior to the issue of the Subdivision Certificate for the works that they relate to, and must be dedicated to Council.

## VERIFICATION OF WORKS

- F21. The following information must be provided to the satisfaction of the PCA prior to issue of a Subdivision Certificate:
- (a) a statement from a suitably qualified and experienced civil engineer confirming:
    - (i) the works have been constructed in accordance with the approved plans and construction specifications;
    - (ii) works in the road reserve have been completed in accordance with the approved plans and construction specifications;
    - (iii) all inspections required by the PCA have been completed in accordance with the approved plans and construction specifications where Council is not the PCA. Please note Council will be the PCA for all works in existing public roads; and
    - (iv) all structural elements have been constructed in accordance with the approved plans.

## WORK-AS-EXECUTED PLANS

- F22. Work-as-executed (WAE) plans for each stage, certified by a suitably qualified and experienced consulting engineer or registered surveyor, must be submitted to Council/asset custodians for review and records, within a timely manner upon completion of the works. These plans must include:
- (a) certification confirming "the information shown on the plans is a true and accurate representation of the constructed works and any variation does not compromise the approved design". Where works are not within the tolerances specified in Council's *Development Construction Specifications*, the certifying engineer/surveyor must confirm

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- in writing, whether the works still comply with the intent of the original design, specifications and relevant Standards; and
- (b) WAE information marked in red and provided on a copy of the stamped approved plans. Following Council's acceptance of the WAE plans, a CAD file (DWG format) is to be submitted to Council showing the WAE information for input into Council's GIS and Asset Register.

## POST-CONSTRUCTION DILAPIDATION REPORT

F23. Prior to the issue of each Subdivision Certificate, the Applicant shall:

- (a) engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of subdivision works for each stage of the development. This report is to ascertain whether the construction/subdivision works created any structural damage to adjoining buildings, infrastructure and roads within the 'zone of influence', and
- (b) the report is to be submitted to the PCA and Council, where Council is not the PCA, and copy shall be provided to the Department within 7 days of lodgement with the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads within the zone of influence, the PCA must:
- (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by this development consent; and
- (ii) have written confirmation for the relevant authority that there is no adverse structural damage to their infrastructure or roads.

## RECTIFICATION OF DAMAGE

F24. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing any public infrastructure, or private residence that is damaged by the development prior to the issue of each Subdivision Certificate; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development prior to the issue of each Subdivision Certificate.

## MAINTENANCE BOND

F25. A cash bond or irrevocable bank guarantee and a deed of agreement to repair any deficiencies in the works including failure of flora to establish, must be lodged with Council if a Subdivision Certificate is sought prior to the end of the 6-month defects liability maintenance period for the works. The amount of the bond must be a minimum of 5% of the cost of the civil works (excluding water supply and sewerage). Works will not be accepted into maintenance until they are opened to the public and the works-as-executed are accepted by Council.

## REGISTRATION OF EASEMENTS/ RESTRICTION TO USE/ RIGHT OF CARRIAGEWAY

F26. The creation of easement(s) for services, rights of carriageway and restrictions as to user as are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:

- (a) easements for sewer, water supply, stormwater drainage, services and all public services/infrastructure on private and public property;
- (b) drainage easements are to be placed over all subsurface drains, inter allotment drainage and swale drains benefitting and burdening property owners. The width of subsurface drain easements is to be a minimum of 1 metre wide, depending on the depth of pipe (refer to section D5.16 of DCP 2014). Maintenance of inter allotment drains is to be included in the Section 88B instrument;
- (c) easements for drainage over future land where discharge from constructed stages is required. All easements must extend to a natural watercourse, existing drainage structure or easement, or suitable approved overland flow spreader;
- (d) except those required by Council, the final plan and associated instruments must not contain a restriction, that prohibits development allowed under the relevant environmental planning instruments applicable to the site;

- (e) the following restrictions as to user must be identified on the Plan of Subdivision:
- (i) all slabs and footings must be designed in accordance with the requirements outlined in Attachment C of the *Stormwater Management Assessment Lot 30 DP 1198692, Mundamia Urban Release Area, Mundamia NSW*, prepared by Martens & Associates Pty Ltd and dated May 2015;
  - (ii) no development is permitted on any allotment that has been filled, unless foundations are designed to the soil classification as stipulated in AS2870;
  - (iii) future landscaping within the approved lots must comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*, as amended from time to time;
  - (iv) all asset protection zones (APZs) must be maintained for the life of the development, consistent with the requirements of Section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the RFS' *Standards for Asset Protection Zones*;
  - (v) the temporary 100 m wide APZ running along the eastern side of the southern portion of Road 1 and 6 must be maintained as a temporary APZ until the land to the west is developed/cleared to the satisfaction of NSW RFS.
  - (vi) the removal and or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the approved development and specified APZ. Trees and other vegetation must be retained within the APZ where it complies with the prescriptions for *Planning for Bushfire Protection APZ Guidelines*. The removal or disturbance all other indigenous vegetation, including canopy trees, understorey and groundcover vegetation is prohibited without the prior written consent of the Shoalhaven City Council;
  - (vii) landscaping of the property must be in accordance with the approved Landscape and Vegetation Management Plan(s) for 'Area A'. Owners and occupiers must comply with the actions and requirements of the approved Landscape and Vegetation Management Plan(s) for 'Area A';
  - (viii) cats must be kept completely within a dwelling, or in a cattery or cat run within the dwelling curtilage at all times (day and night);
  - (ix) the following restrictions apply to the keeping of dogs:
    - a maximum of two dogs are permitted on the property at any time;
    - dogs must be restrained within the dwelling curtilage during the hours between sunset and sunrise each day by fencing/caging enclosures, leashing or physical restraint; and
    - dogs are prohibited from entering areas of indigenous vegetation on the property unless restrained
  - (x) boundary and internal fences erected on the property must comply with the following conditions:
    - barbed-wire fencing is prohibited;
    - except for fencing to contain domestic pets within the approved APZs, boundary and internal fences must not impede the movement of native fauna;
    - the removal of vegetation for fence construction must be undertaken with hand tools only (e.g. brushcutters, lawn mowers), and must be limited to a maximum width of 1 m; and
    - canopy trees must not be removed for fence construction.
  - (xi) the planting of any species listed on the Weeds Australia NSW weeds list ([www.weeds.org.au](http://www.weeds.org.au)) on all allotments is prohibited;
  - (xii) exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee *Invasion of native plant communities by exotic perennial grasses - key threatening process listing*, are prohibited within the outer protection area and the APZs; and
  - (xiii) vehicle access to lots 106 to 108 will be restricted to the rear lane adjacent to these lots.

F27. Any Section 88B Instrument creating restrictions as to user, right of carriageway or easements, must contain a provision enabling restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

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- F28. Prior to the issue of each Subdivision Certificate, the Applicant shall provide the PCA with documentary evidence confirming that it has constructed the utility works approved by the relevant service providers (Endeavour Energy and the nominated telecommunications provider) required to service the site.
- F29. Each Plan of Subdivision prepared to support the issue of a Subdivision Certificate must identify all road reserves and other reserves (drainage, recreation etc.) proposed for dedication to Council. All reserves must be dedicated free of cost upon registration of the final Plan of Subdivision.
- F30. The Applicant must submit a compliance table with each Subdivision Certificate demonstrating that the relevant conditions have been satisfied to enable and facilitate release of the Subdivision Certificate.
- F31. A Subdivision Certificate must be issued for each stage prior to lodgement of the Final Plan of Survey with the NSW Land Registry Services. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an Accredited Certifier for a specified subdivision.
- F32. The applicant must submit two (2) copies of the Plan of Survey to Council prior to the issue of a Subdivision Certificate for each stage.

## PART G: DURING OPERATION

### BUSHFIRE MANAGEMENT

- G1 All bushfire management plans/protocols required by this consent, including but not limited to the Bushfire Fuel Management Plan, the Emergency/Evacuation Management Plan, Bushfire Traffic Management Plan and the Vegetation Management Plan (as updated from time to time) must be implemented in-perpetuity.
- G2 All bushfire signage required by this consent must be maintained in perpetuity.
- G3 Any land within the subdivision which is identified as a public reserve (not including the E2 zoned land located to the east of the site outside the development footprint) must be managed as an asset protection zone to ensure these reserves do not pose a hazard to the adjoining lots.
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## ADVISORY NOTES

### Appeals

- AN1. The applicant 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).

### Responsibility for other Consents / Agreements

- AN2. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Temporary Structures

- AN3. An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the council for the erection of any 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

- AN4. This application has been assessed in accordance with the Act. 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.

### Site Contamination Issues During Construction

- ANS. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the applicant must be immediately notified and works must cease. Works must not recommence on site until consultation is made with the Department.

### Street Names

- AN6. Street numbering and/or street names, whether for a public or private road within an urban, rural or community subdivision must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's *Property Address Numbering Policy* and/or *Road and Street Naming Policy*.

In this regard, an Application for Property Address must be processed and approval for street numbering and/or street names must be obtained from Council's GIS Group on (02) 4429 3479 prior to submission of a Subdivision Certificate Application.

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## APPENDIX 1 - SCHEDULE OF APPROVED DOCUMENTS (AS AMENDED BY THE CONDITIONS OF CONSENT)






Drawing ref/Report Title	Drawing/Report Author	Date
<b>Environmental Assessment Report</b>		
Environmental Assessment Report	Cowman Stoddart	April 2013
Preliminary Geotechnical and Constraints Assessment	Martens and Associates	November 2008
Stage 1 Contamination Assessment	Martens and Associates	March 2009
Stage 2 Environmental Site Assessment	Martens and Associates	April 2013
Remediation Action Plan	Martens and Associates	April 2013
Hydrogeological Assessment	Martens and Associates	June 2011
Aboriginal Heritage Assessment	South-East Archaeology	December 2008
Transport Report	CBHK	May 2012
Utilities Investigation Report	Allen Price and Associates	14 November 2012
Construction Management Plan (Brief Outline)	Allen Price and Associates	April 2011
<b>Preferred Project Report</b>		
Preferred Project Report	Cowman Stoddart	January 2015
Stormwater Management Assessment	Martens and Associates	May 2015
Flora and Fauna Assessment Report	SLR	1 June 2015
Aircraft and Traffic Noise Intrusion Report	Day Design	13 May 2015
Preliminary Acid Sulfate Soils Assessment	Martens and Associates	January 2015
Aboriginal Heritage – Further Information	NSW Archaeology	14 May 2014
S79C Assessment	Cowman Stoddart	June 2015
<b>Supplementary Information</b>		
Response to DPE Key Issues	Allen, Price and Associates	July 2016
Drawing reference 25489-08 Rev 02 Typical Erosion and Sediment Control	Allen Price and Associates	2 June 2015
Drawing reference 25489-11 Rev 17 Subdivision Layout	Allen Price and Scarratts	19 July 2017
Drawing reference 25489-12 Rev P0 Road Layout Plan	Allen Price and Scarratts	July 2016
Drawing reference 25489-13 Rev P0 Typical Road Cross Sections Sheet 01	Allen Price and Scarratts	July 2016
Drawing reference 25489-14 Rev P0 Typical Road Cross Sections Sheet 02	Allen Price and Scarratts	July 2016
Drawing reference 25489-18 Rev P1 Interim Bushfire Measures	Allen Price and Scarratts	6 July 2016
Drawing reference 25489-19 Rev P0 Preliminary Design Contours	Allen Price and Scarratts	July 2016
Drawing reference 25489-20 Rev P1 Preliminary Cross Sections Sheet 01	Allen Price and Scarratts	20 February 2017
Drawing reference 25489-21 Rev P0 Preliminary Cross Sections Sheet 01	Allen Price and Scarratts	July 2016
Drawing reference 25489-22 Rev 1 Footpath/Cycleway Concept Plan	Allen Price and Scarratts	20 February 2017
Drawing reference 25489-23 Rev P0 Design Drainage Layout	Allen Price and Scarratts	July 2016
Drawing reference 25489-SK07 Rev P1 Preliminary Roundabout Plan	Allen Price and Scarratts	January 2017
Biodiversity Offset Strategy	SLR	27 April 2017
Supplementary Bushfire Advice	Eco Logical Australia	2 April 2019

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## APPENDIX 2 VMP AREAS



### Plant Community

-  SR556 Hairpin Banksia - Kunzea ambigua - Allocasuarina distyla heath on coastal sandstone plateaux, Sydney
-  SR595 Red Bloodwood - scribbly gum healthy woodland on sandstone plateaux, Sydney
-  SR549 Grey Gum - Blue-leaved Stringybark open forest on gorge slopes, southern Sydney Basin Bioregion and northeast South Eastern Highlands Bioregion
-  SR641 Spotted Gum - Blackbutt shrubby open forest on the coastal foothills, southern Sydney Basin Bioregion and north east South Eastern Highlands Bioregion
-  SR648 Swamp Mahogany swamp sclerophyll forest on coastal lowlands, Sydney Basin and South East Corner



## APPENDIX 3 - WRITTEN NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition B11 or, having given such notification, subsequently forms the view that an incident has not occurred.

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

- (a) identify the development and application number;
- (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- (c) identify how the incident was detected;
- (d) identify when the applicant became aware of the incident;
- (e) identify any actual or potential non-compliance with conditions of consent;
- (f) describe what immediate steps were taken in relation to the incident;
- (g) identify further action that will be taken in relation to the incident; and
- (h) identify a project contact for further communication regarding the incident.

### INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- (a) a summary of the incident;
- (b) outcomes of an incident investigation, including identification of the cause of the incident;
- (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- (d) details of any communication with other stakeholders regarding the incident.