

after satisfactory compliance with all conditions of this approval and prior to the lodgement of an application for the issue of a Subdivision Certificate. A copy of the Certificate of Compliance must accompany the application for Subdivision Certificate for the relevant stage.

Offset Planting

E15 Western Riparian Zone

The offset planting within the riparian zone of the western creek, up to the bank of the dam (to be retained as the water quality pond) is to be carried out in accordance with the approved VMP prior to the release of the Subdivision Certificate for **Precinct B Stage 3** of the development. Certification is to be provided by a suitably qualified and experienced expert that the works are in accordance with the VMP. The riparian zone is to be maintained and weeded for a minimum period of 6 months after completion of the landscaping and up until the land is dedicated to Council.

E16 Eastern Riparian Zone

The offset planting within the riparian zone of the eastern creek is to be carried out in accordance with the approved VMP prior to the release of the Subdivision Certificate for **Precinct B Stage 17** of the development. Certification is to be provided by a suitably qualified and experienced expert that the works are in accordance with the VMP. The riparian zone is to be maintained and weeded for a minimum period of 6 months after completion of the landscaping and up until the land is dedicated to Council.

E17 Cycle and Pedestrian Path – Precinct C

The construction of the cycle and pedestrian paths through Precinct C are to be carried out in accordance with the approved plans and Council is to provide written certification that the works are of a suitable standard, prior to the release of the Subdivision Certificate for **Precinct B Stage 7** of the development. Any landscaping associated with the provision of the pathways is to be maintained and weeded for a minimum period of 6 months after completion of the landscaping and up until the land is dedicated to Council.

E18 Neighbourhood Park

The neighbourhood park is to be constructed and embellished in accordance with the approved plans and provided with an appropriate level of lighting in accordance with the relevant Australian Standard. Council is to provide written certification that the works are of a suitable standard, prior to the release of the Subdivision Certificate for **Precinct B Stage 6** of the development. The park is to be maintained and weeded for a minimum period of 6 months after completion of the landscaping and is to be dedicated to Council, which is to occur upon registration of the subdivision plan for **Precinct B Stage 6**.

E19 Informal Park

The informal park required by Condition B20 is to be constructed and embellished in accordance with the approved plans and provided with an appropriate level of lighting in accordance with the relevant Australian Standard. Council is to provide written certification that the works are of a suitable standard, prior to the release of the Subdivision Certificate for **Precinct B Stage 15** of the development. The park and facilities are to be maintained and weeded for a minimum period of 6 months after completion of the landscaping or up until the land is dedicated to Council, which is to occur upon registration of the **subdivision plan for Precinct B Stage 15 of the subdivision**.

E20 Pedestrian and Cycle Connections

The pedestrian and cycle connections within Precinct C are to be constructed and landscaped and provided with an appropriate level of lighting in accordance with the relevant Australian Standard in accordance with the approved plans. Council is to provide written certification that the works are of a suitable standard, prior to the release of the Subdivision Certificate for Precinct B Stage 7. The landscaping is to be maintained and weeded for a minimum period of 6 months after completion of the landscaping and up until the land is dedicated to Council, which is to occur upon registration of the linen plan for Precinct B Stage 15.

E21 Precinct C Land and Riparian Zones

The Precinct C land and riparian zones, together with the land containing the future link road to the east but excluding the 3 potential development areas referred to in Condition E2 is to be dedicated to Council, prior to or upon registration of the final stage of the subdivision.

E22 Bus Stops

The proponent is to identify potential locations for bus stops (maximum of 400m apart) along the collector road and is to cost the installation of seats and shelters (to include lighting). A bank guarantee for the estimated cost is to be provided to Council prior to the release of the Subdivision Certificate for the last stage of the subdivision under this approval.

Upon provision of a bus service through the subdivision, the funds are to be utilised to construct the bus shelters and seats. Should no bus service be provided through the subdivision within 5 years of the release of the Subdivision Certificate for the final stage of the subdivision, the bank guarantee is to be released by Council.

E23 Signage

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

Monetary Contributions and Contributions-in-lieu

E24 Monetary Contributions

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

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Precinct B 140 New Lots	Precinct A 22 New Lots	Total 162 New Lots
Tennis, Football, Cricket & Netball (Area 5) 05AREC0001	\$1,558.14per lot	\$218,139.60	\$34,279.08	\$252,418.68
Leisure Centre Heated Indoor Swimming Pool 05AREC0002	\$178.79 per lot	\$25,030.60	\$3,933.38	\$28,963.98
Southern Shoalhaven Branch Library 05CFAC0010	\$236.93 per lot	\$33,170.20	\$5,212.46	\$38,382.66
Hockey Facilities CWAREC0003	\$249.67 per lot	\$34,953.80	\$5,492.74	\$40,446.54
Stage 1 Shoalhaven City Library Extensions CWCFA0001	\$264.43 per lot	\$37,020.20	\$5,817.46	\$42,837.66
Stage 2 Shoalhaven City Arts Centre CWCFA0001	\$23.92 per lot	\$3,348.80	\$526.24	\$3,875.04
Stage 3 Shoalhaven Mobile Childrens Service CWCFA0001	\$7.84 per lot	\$1,097.60	\$172.48	\$1,270.08
S94 Administration CWMGT2001	\$398.10per lot	\$55,734.00	\$8,758.20	\$64,492.20
Embellishment of Icon and District Parks and Walking Tracks CWCFA0001	\$7.84 per lot	\$1,097.60	\$172.48	\$1,270.08
S94 Administration CWOREC0001	\$153.32per lot	\$21,464.80	\$3,373.04	\$24,837.84
TOTAL	\$3,078.98per lot	\$431,057.20	\$67,737.56	\$498,794.76

(2) Timing and Method of Payment

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

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage.

(3) Indexing

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

(4) Works-in-Kind

In accordance with Division 6 of Part 4 of the Act, the Proponent shall undertake the following works in kind:

- (a) Construction of child play equipment within the neighbourhood park in accordance with plans L02, entitled Landscape Plan – Park, dated Feb 08; prior to the release of the Subdivision Certificate for **Precinct B Stage 6** and

- (b) Construction of the informal park required by Condition B20, prior to the release of the Subdivision Certificate for **Precinct B Stage 15**.

ADVISORY NOTES

AN1 *Variations to Statement of Commitments*

The Statement of Commitments as lodged and exhibited with the original EA (no revised Statement was lodged as part of the Preferred Project) are modified by the conditions of approval including as follows:

Commitment No 5 is no longer necessary as a landscape plan has now been submitted and is considered acceptable.

Commitment No. 7 in relation to speed control devices on roads is supplemented by Condition B9.

Commitment No 8 in relation to maintenance of APZs is replaced by Condition E8.

Commitment Nos 12, 14, 15, 22 and 23 in relation to stormwater control devices are altered by the recommended conditions to refer to the amended stormwater plans given the change to the layout.

Commitment No. 18 is altered by the recommended Conditions D1 and D11 requiring a period of maintenance of the water quality control devices and monitoring of water quality by the developer.

Commitment No. 30 is replaced by the requirement to dedicate the land to Council, Condition E18.

Commitment No. 32 in relation to the revegetation of riparian corridors is supplemented by Conditions B16, E 15 and E16.

Commitment No. 35 in relation to the provision of fencing to the adjoining nature reserve is to be supplemented by Condition C2.

Amended Commitment Nos 2 and 4 in relation to the payment for the collector road connection with the site to the east and provision of the works within Stage 5 are replaced by Conditions B15, B17, B18, E6, E10, E13, E17 and E21.

AN2 *Compliance Certificate, Water Supply Authority Act, 2000*

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

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

- (1) the approval authority before the release of the subdivision certificate for the relevant stage.

AN3 *Requirements of Public Authorities for Connection to Services*

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

public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN4 Movement of Trucks Transporting Waste Material

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

AN5 Noise Generation

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

AN6 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN7 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

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

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

AN8 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

End of conditions

SCHEDULE 3

MP 05_0016

RESIDENTIAL SUBDIVISION

**PART LOT 11, DP1104789 AND PART LOT 72, DP 1073600 (NOW LOTS 2, 3 & 4
DP 1123774), DOLPHIN POINT ROAD AND WURU ROAD, DOLPHIN
POINT/BURRILL LAKE**

**STATEMENT OF COMMITMENTS AND ADDITIONAL COMMITMENTS FROM
PREFERRED PROJECT REPORT**

(SOURCE: ENVIRONMENTAL ASSESSMENT)

COMMITMENTS RELATING TO ENVIRONMENTAL ASSESSMENT- DOLPHIN POINT (EXTRACT FROM ENVIRONMENTAL ASSESSMENT OF SEPT 2007)

Roadways

1. The engineering design of all roads will be in accordance with Shoalhaven Council's *Engineering and Design Specification*, Chapter D2 and in accordance with the Australian Model Code for Residential Development (AMCORD) Guidelines. An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with these documents. All roads will be completed prior to the release of the linen plan. **Withdraw Condition B9**
2. The width of the collector road identified through Stages 2 and 3 will be designed for a minimum pavement width of 9 metres to accommodate future public transport routes.
Withdraw Condition B9
3. The local street network for Stages 2 and 3 will cater for the provision of public utility networks including water, sewerage, electricity, telecommunications, street lighting and gas. The provision of utility services will be in accordance with Shoalhaven Council's *Engineering and Design Specification*, Chapters D10 and D11. An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with this document. All public utility networks will be completed prior to the release of the linen plan. **(OK)**
4. The street component consisting of carriageway widths, verge widths, kerb type, longitudinal gradients and pavement treatments for each local and collector street will be in accordance with Tables 1 and 3 of Shoalhaven Council's Development control Plan No 100. The only variation to this will be in respect of the perimeter road. The width of this road will be 20 metres in order to achieve the appropriate width for the asset protection zone.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with this document. All roads will be completed prior to the release of the linen plan. **(OK)**

5. A landscape plan will be submitted to Shoalhaven Council for Stages 2 and 3 showing: The street reserve and indicative location of the carriageway; location, species and general character of tree planting and hard and soft landscape treatment. All landscaping work will be completed in accordance with Council's requirements. The landscaping works will be completed prior to the release of a linen plan. **Complied with**
6. A footpath including wheelchair/pram ramps at the intersections and crossing points will be constructed on all roads. The footpath will be completed in accordance with Shoalhaven Council's *Engineering and Design Specification* Chapter 2. This work will be completed prior to the release of a linen plan for the subdivision. **(OK)**
7. Speed control devices will be placed on longer perimeter roads as required.
Withdraw Condition B9

Bushfire

8. A section 88B instrument will be prepared by the proponent requiring the residential front yards of those allotments that form part of the asset protection zone to maintain the front yard to asset protection zone standards. This will include:

- Any landscaping or plantings are to be local endemic mesic species or other low flammability species. Any plantings are to be well spread out and are not to form a contiguous pathway to the dwellings.
- Any structures (eg fences, garden sheds, decks, pergolas, carports etc) within the asset protection zone are to be non-combustible as defined by Australian Standard 1530.1 and not deemed combustible pursuant to Clause C1.12 of Volume 1 of the Building Code of Australia.
- Any structures storing combustible materials such as firewood must be sealed to prevent entry of during debris.
- Gutters, roofs and roof gullies are to be kept free of leaves and other debris.
- A minimum ground fuel is to be maintained to include either mown grass, paving, concrete, bare ground or less than 3 tonnes per hectare of fire fuel (ie material of <6mm in diameter).

A copy of the Section 88B Instrument will be provided to Shoalhaven Council prior to the release of a linen plan for the subdivision. **Withdraw Condition E8**

9. The perimeter road for stages 2 and 3 will comply with the road construction standards for public roads as identified in the document entitled Planning for Bushfire Protection Guidelines (NSW Rural Fire Services) 2001.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with this document prior to the release of the linen plan.

Withdraw Condition B14

10. Fire hydrants are to be installed in Stages 2 and 3 in accordance with Australian Standard AS2419.1-1994 and Section 6.4 of the document entitled Planning for Bushfire Protection Guidelines (NSW Rural Fire Services) 2001.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with this document prior to the release of the linen plan.

Withdraw Condition B13

11. The Section 88B Instrument will also require that development on the perimeter lots to the north-west within Stage 2 will require a Level 1 construction standard under AS3959. Dwellings on the southern, eastern and western perimeters will require a Level 2 construction standard under AS3959.

A copy of the Section 88B Instrument will be provided to Shoalhaven Council prior to the release of a linen plan for the subdivision. **Withdraw Condition E9**

Water Quality Control Measures

12. Two water quality control ponds will be provided on the site in accordance with Figure 3 in the report prepared by Patterson Britton and Partners. The primary function of these water quality control ponds is to act as a stormwater quality treatment measure.

The proponent will complete this work prior to the release of the linen plan.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the report provided by Patterson Britton and Partners prior to the release of the linen plan. **Withdraw Condition B8**

13. The existing dam will be one of the water quality control ponds. Remediation work to the dam will include:

- Planting suitable vegetation, including macrophytes;
- Providing edge treatment to minimise mosquito habitat; and

- Construction of a suitable outlet/spillway.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to the release of the linen plan. **Withdraw Condition B22**

14. The second water quality control pond will be constructed downstream of the existing dam. This will have a surface area of approximately 5000m² and include the following;

- Extensive planting including macrophytes;
- Suitable edge treatment to minimise mosquito habitat;
- Constructed outlet; and
- An average minimum depth of 1 metre.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to the release of the linen plan. **Withdraw Condition B22 and D11**

15. Gross pollutant traps will be installed in accordance with Figure 3 in the Patterson Britton & Partners report.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to the release of the linen plan. **Withdraw Condition B22 and D11**

16. An assessment of the existing dam and the second water quality control pond will be carried out during subdivision earthworks. The assessment will include water and sediment quality prior to off site discharge of retained water and/or removal of onsite use of sediments from the dams.

An appropriately qualified person prior to the subdivision earthworks being completed will complete this assessment. Details of the findings will be submitted to Shoalhaven Council within 72 hours of the assessment being undertaken. Details of any required remediation measures will also be submitted to the Council and this work will be completed immediately. **Withdraw Condition B22 and D11**

17. A Section 88B instrument will be prepared requiring each dwelling to provide a 4000L rainwater tank that will capture the stormwater collected from the roof of future dwellings. The rainwater tank design will be as follows:

- A minimum 4m³ volume rainwater tank designed to collect the majority of roof runoff and store it for irrigation, clothes washing and toilet flushing purposes would be installed for each of the dwellings on the site;
- The tanks are to incorporate a first flush device, inspection/cleanout hatch and cleanout valve;
- The tanks are to incorporate an outlet tap for connection to an irrigation system driven by the tank head (if possible);
- All tank overflow should be directed to the formal piped stormwater drainage system to prevent nuisance flooding;
- All rainwater tanks should be installed and maintained so as to prevent cross connection with the portable water supply;
- A topping up device (from the potable water supply) shall be provided to supplement roof runoff during periods of little rainfall or high water use;
- A backflow prevention device shall be installed;
- All rainwater services shall be clearly labelled "non portable water" with appropriate hazard identification;
- Pipe work used for rainwater services shall be coloured purple in accordance with AS1345. All valves and apertures shall be clearly and permanently labelled with safety signs to comply with AS1319.

A copy of the Section 88B Instrument will be provided to Shoalhaven Council prior to the release of a linen plan for the subdivision. (OK)

18. Maintenance of the gross pollutant traps will be undertaken by the landowner of the Stage 5 land. **Withdraw Condition D1 and D11**

19. The following maintenance program for the sites water quality control measures will consist of the following:

- Periodic (6 month) inspection and removal of any gross pollutants and coarse sediment that is deposited in the water quality control pond and replacement of vegetation as necessary;
- Periodic (3 month) and episodic (post storm greater than 1 year ARI) inspection and removal of trapped pollutants from all GPT's; and

An appropriately qualified person verifying that this maintenance program has occurred will provide certification to Shoalhaven Council on an ongoing basis.

Withdraw Condition D11

Sediment Control

20. Prior to any works commencing on the site the proponent will implement the erosion and sediment controls as identified in Figures 6 and 7 of the report by Patterson Britton and Partners. The erosion and sediment control measures will be constructed in accordance with the recommendations in Sections 4.7 and 4.8 of the above report.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to any further works occurring on the site. **Withdraw Condition B2 and D1**

21. The sediment and erosion control devices will be maintained in the following manner;

- Sediment and erosion control devices would be regularly maintained and accumulated sediment removed before 50% of the capacity is used. Accumulated sediment would be re-used or disposed of in an acceptable manner off-site.
- Sediment fences would be checked regularly for rips, excessive build up of sediment behind the fence, and breaches by construction activities. Damage to the fences would be repaired immediately on detection.
- Surface water flows would be diverted around the designated site access to prevent sediment trapped within the access being re-suspended and transported offsite. Sediment that bypasses the stabilised site access, and is deposited on the nearby public streets would be cleaned up promptly by means other than washing into the drainage system.
- Sediment and erosion control devices would be maintained until the disturbed areas have been adequately reinstated or new vegetation is sufficiently established.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the maintenance of the sediment control measures prior to the release of the linen plan. **Withdraw Conditions B2, D1 and D11.**

Drainage Management

22. The stormwater drainage concept plan for the site will be in accordance with Figure 3 and the details provided in the water management strategy report prepared by Patterson Britton and Partners Pty Ltd Limited.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to the release of the linen plan. **Withdraw Condition B22**

23. The design and construction of the major and minor storm drainage systems will be in accordance with Shoalhaven Council's *Engineering and Design Specification*, Chapter D5. This work will be completed in accordance with the report prepared by Patterson Britton and Partners.

An appropriately qualified person will provide certification to Shoalhaven Council to demonstrate compliance with the Patterson Britton and Partners report prior to the release of the linen plan. **Withdraw Condition B22**

Services

24. Underground electricity supply and telephone service will be provided to Stages 2 and 3. The provision of these services will be in accordance with the requirements of the relevant authorities.

Certification will be provided by an appropriately qualified person demonstrating compliance with the relevant authorities requirements to Shoalhaven Council prior to the release of the linen plan. **Withdraw Condition AN3**

Aboriginal Sites or Objects

25. If any previously unrecorded Aboriginal sites or objects are detected during the course of the development which are not covered by a the existing Section 90 Consent, work will cease immediately and findings will be reported to the Department of Environment and Conservation and Climate Change (NSW) and advice sought as to the appropriate course of action. **Withdraw Condition AN6**

26. An Aboriginal Heritage Management Plan will be prepared, submitted to DoP for endorsement and implemented by the proponent. **Withdraw Condition AN3(8)**

General

27. A subdivision certificate will be prepared and submitted to Shoalhaven Council in respect of the proposed development. As part of the subdivision certificate, a linen plan will be prepared as well as any Section 88B Instruments. **Withdraw Condition E1**

28. Any future development of stage 5 will be contained within the areas identified as development parcels in the Urban Design Review prepared by Urbis JHD. Approval to these projects in no way endorses the findings of Urbis as regards future development parcels. **(OK)**

Vegetation and Habitat Management

29. The extent of Swamp sclerophyll forest and Coastal saltmarsh to be retained and offset will be marked in the field by an appropriately qualified person and the vegetation boundaries surveyed by a registered surveyor.

Certification will be provided to Shoalhaven Council by an appropriately qualified person demonstrating that this has occurred prior to the release of a linen plan.

Withdraw Conditions B16, E15 and E16

30. The management of retained and offset Swamp sclerophyll forest and Coastal saltmarsh will be secured via positive covenants placed on the titles of the affected land requiring implementation of the approved vegetation management plan by the affected landowners. **Withdraw Condition E18**

Details of the positive covenants will be included in the linen plan.

31. An appropriate perimeter fence will be constructed around areas of retained and offset Swamp sclerophyll forest. The perimeter fencing will be constructed in consultation with an appropriately qualified flora expert and will be established prior to any earthworks occurring within stages 2, 3 and 5. **Withdraw Condition B16**

32. Riparian vegetation will be re-established on either side of the creek in the west (southern part of Stage 3) wherever possible, to maximise the width of the riparian corridor.

Withdraw Conditions B16, E15 and E16

33. A vegetation management plan will be prepared by a suitably qualified person for the retained and offset Swamp sclerophyll forest and Coastal saltmarsh and for re-established riparian vegetation. The vegetation management plan will address a number of matters including, but not limited to, protection and maintenance of the Swamp sclerophyll forest and Coastal saltmarsh, weed control, vegetation enhancement, control of access, monitoring and fire management.

The vegetation management plan will be submitted to Shoalhaven Council prior to any works occurring on the site. **Withdraw Conditions B16, E15 and E16**

34. The water cycle management and water quality treatment systems for the proposal will be designed such that they maintain the existing hydrologic regime in the areas of the Swamp sclerophyll forest and Coastal saltmarsh and protect these communities from adverse water quality impacts. **Withdraw Condition B22**

35. A vehicle proof fence designed and constructed in consultation with the Department of Environment and Conservation (DEC) will be constructed along the western and southern boundaries of stages 2 and 3 where they adjoin lands managed by the DEC. This fencing will be established prior to the release of the linen plan. **Withdraw Condition C2**

36. Trees will be retained within the proposal wherever possible. **Withdraw Condition D5**

37. All trees and vegetation to be retained will be appropriately protected from compaction of root systems, damage to trunks, and the build-up of soil around tree bases, by appropriate work practices during the construction phase of the proposal. The appropriate protection measures are to be in accordance with the recommendations of an appropriately qualified arborist or similar. These protection measures are to be implemented prior to earthworks occurring on the site. **Withdraw Condition D5**

38. All vegetation to be retained will be protected from unauthorised access during the construction phase of the proposal. An induction program for workers will be developed and implemented to inform them of the limitations of the construction site. Temporary fencing will be installed along the edges of vegetation to be retained and workers will be instructed to avoid encroaching into such vegetation. (OK)
39. Trees with hollows to be felled during the construction phase, will be felled in accordance with the following procedures:
- A fauna specialist appropriately licensed under the NSW *National Parks and Wildlife Act, 1974*, for the purpose of rescuing displaced animals, will supervise felling.
 - The fauna specialist will be suitably attired with protective clothing and have suitable equipment to undertake the work.
 - An appropriately skilled local wildlife carer must be notified at least 24 hours prior to the tree felling, that animals may be captured and that these animals may need care.
 - Any non-hollow-bearing trees around those with tree hollows to be felled will be removed first. At least one day will be left between clearing of the non-hollow-bearing trees and the hollow-bearing trees to allow fauna time to vacate the trees.
 - Prior to the felling of the identified and marked hollow-bearing trees, the trees will be shaken or nudged by tree-felling equipment to encourage any fauna to vacate the trees.
 - If no animal emerges from the hollows after shaking or nudging, then the tree will be felled and lowered to the ground if possible.
 - If an animal emerges from a hollow following shaking or nudging of the tree, then at least 30 minutes will be allowed for the animal to leave the tree. If the animal comes to the ground, or when it is on the lower trunk, attempts will be made to capture the animal using a net. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process.
 - Captured animals will be placed in individual bags unless they are a family group to which separation would risk the survival of the young.
 - Once the tree has been felled, a search will be made of the branches around the tree for any fleeing fauna and hollows should be inspected with a torch for the presence of any animals. Attempts will be made to capture any fleeing fauna with a net, and animals inside hollows should be extracted by hand. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process.
 - Injured, shocked or immature captured animals will be placed in a cotton bag secured at the top. Bags will be wrapped in appropriate insulating material such as blankets and placed in a quiet, warm and preferably dark place until the wildlife carer can collect them. Details on the location of the capture and proposed release areas will be provided to the wildlife carer.
 - Uninjured animals will be released in appropriate habitat as soon as practicable (at night for nocturnal species). (OK)

Landscaping

40. Exotic perennial grasses will not be sown in any areas that abut native vegetation to be retained or re-established within the proposal or native vegetation on adjoining lands. If grasses are to be used in these areas, for landscaping or soil stabilisation purposes, then indigenous native species or non-invasive exotic species will be used.

Withdraw Conditions B16 and B18

41. Native plants as detailed in the flora and fauna assessment completed by Bushfire and Environmental Services will be included in any landscaping for the proposal. **Withdraw Conditions B16 and B18**
42. Black She-oak *Allocasuarina littoralis* sourced from local nurseries will be preferentially used in landscaping for the proposal. **Withdraw Conditions B16 and B18**
43. No known environmental weeds, noxious weeds or known invasive plants species will be planted with the site in association with the proposal. **Withdraw Conditions B16 and B18**

**ADDITIONAL COMMITMENTS – PREFERRED PROJECT
LOT 11 DP 1104789 AND PART LOT 72 DP 1073600 DOLPHIN POINT
MAJOR PROJECT MP05_0016**

1. The proponent hereby commits to dedication of the land proposed to be zoned 7(d2) (Special Scenic) zone currently comprising part of Lot 11 in DP 1104789 and as shown in the plans submitted herewith. **Withdraw Condition E21**
2. The proponent will contribute a proportion as agreed with Malbec or subsequent owners in title of the cost for construction of the 'connector road' as proposed on Lot 11 in DP 1104789 to link it with Lot 171 in DP 1081810 in the location generally as shown in the submitted subdivision drawings. The proponent will pay a bond in the amount of \$50,000 for the purpose of ensuring that the connector road is constructed in accordance with consent authority standards and specifications. The bond will be paid to the consent authority prior to the issue of any Construction Certificate that may be issued for any component of the development. The land comprising Stage 5 will be dedicated to Council subject to land being reserved for construction of a roadway generally in accordance with the subdivision drawings submitted herewith. **Withdraw Condition B10**
3. The proponent hereby agrees to the construction of a child play area in accordance with landscape drawings L01 and L02 prepared by HLS Pty Limited and dated Feb 08 submitted herewith. The land comprising Lot 306 will be dedicated to the Council at no cost and the dedication will be effected following construction of the child play area. Construction of the child play area will take place concurrent with construction of Stage 3 in the plan prepared by Rygate and West "Plan showing conceptual Staging for Stage 2 Subdivision" Ref No U11840M Sheet 3. **Withdraw Condition E18**
4. The proponent hereby commits to the dedication of Stage 5 land and land proposed to be zoned 7(d2) as depicted in the accompanying plans. Dedication will be effected following construction of the cycleway/pedestrian pathways and the connector road with the adjoining development (should that latter development proceed) over Stage 5. These works will take place concurrent with Stage 3 in the plan prepared by Rygate and West "Plan showing conceptual Staging for Stage 2 Subdivision" Ref No U11840M Sheet 3 and will be the responsibility of the proponent. **Withdraw Condition E21**
5. The proponent hereby commits to provision of medium density development over Lots 315 - 322 within Stage 2 in the subdivision (refer accompanying subdivision plans).
Withdraw
6. The proponent hereby commits to provision of an accessibility report prior to commencement of subdivision works. **Withdraw Condition E21**
7. The proponent hereby commits to retention of existing trees in riparian areas and road reserves (other than carriageway and pedestrian/cycleway areas). All other trees are proposed to be removed. **Withdraw Condition D5**
8. The proponent hereby commits to undertaking works as referred to in the report of Worley Parsons dated 1 February 2008 under the heading "Water Quality Control Pond".
Withdraw Condition B8
9. The proponent hereby commits to construction of a fire trail generally in accordance with a plan that accompanies a letter from Bushfire and Environmental Services dated 22 January 2008 referred to as Option 3. Construction of the fire trail will take place prior to dedication of Stage 5 land to the Council. **Withdraw Condition B15**
10. The proponent hereby agrees to provide an appropriate design for a bus route and alternative bus route through Stages 2 and 3 prior to issue of any construction certificate.
Withdraw Condition E22