

Project Approval

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

I, the Minister for Planning, approve the major project referred to in Schedule 1 and in the attached Director-General's Environmental Assessment Report, subject to the conditions of approval in the attached Schedules 2 and 3.

These conditions are required to:

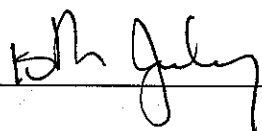
- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting;
- maintain the amenity of the local area;
- encourage good urban design;
- protect the development from natural hazards;
- encourage environmentally sustainable development; and
- provide for the ongoing environmental management of the project.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Volume 3 (Reference Set) and Volume 4 (Phase Development Drawings).



Frank Sartor MP
Minister for Planning

Sydney



2008

SCHEDULE 1

Application No: 05_0125

Proponent: Seven Mile Beach Holdings Pty Ltd (ABN 65 112 160 719)

Approval Authority: Minister for Planning

Land: Lots 103, 142 & 178 DP 753168 The Lakes Way, Forster

Local Government Authority: Great Lakes Shire Council

Project: Integrated Eco-residential development and Mixed-use Community Title Subdivision

Estimated Cost of Works: \$162 million

Type of Development: Major Project

S.119 Public inquiry held: No

Date approval is liable to lapse: 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
BCA	Building Code of Australia
Council	Great Lakes Shire Council
CPI	Consumer Price Index
DCP 40	Development Control Plan 40 – Seven Mile Beach
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
EA	Environmental Assessment prepared by Optima Developments Pty Ltd on behalf of Seven Mile Beach Pty Ltd and dated December 2006
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
MP 05-0125	Major Project described in the Proponent's Environmental Assessment.
PCA	Principal Certifying Authority and has the same meaning as Part 4A of the Act
Project	Integrated Eco-residential and Mixed-use Community Title Subdivision
Proponent	Seven Mile Beach Holdings Pty Ltd
Site	Land to which application applies (see schedule 1)
Statement of Commitments	Statement of Commitments provided in Schedule 3, dated 8 th July 2008.
Submissions Report	Response to Submissions prepared by the Proponent.

NOTES

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant. The Proponent has the right to appeal to the Land and Environment Court of NSW in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

SCHEDULE 2
CONDITIONS OF APPROVAL

Major Project No. 05-0125

1. GENERAL MATTERS

1.1 Development Description

Approval is granted only to the carrying out the development described in detail below. The development is to be undertaken in phases. Phases 2, 15A, 15B & 16A can be undertaken concurrently and Phases 13 and 16B can be undertaken concurrently.

1) PHASE 1

Environmental Works

- Initiate environmental protection measures as required for initial works.
- Create all Asset Protection Zones.
- Transplant Palms marked "to be relocated" from the Palms Precinct to The Dunes Precinct
- Install sediment control devices to all areas that will be disturbed.
- Regrade the site as necessary (bulk earthworks);
- Remove trees approved to be removed.

Civil Works

- Construction of the roads, drainage, services (excluding works west & north of Community Centre Building) within The Dunes 1 precinct.
- Construction of the lead in sewer lines and pump station 1 within The Dunes 1 precinct.
- Install temporary construction road or maintain existing track where possible (at completion of Bulk Earthworks) to serve The Forest 1, The Crest, the Dunes 2 & the Fronds precincts.

Building Works

- Construction of the temporary Cove display apartment on the tennis court slab in The Boardwalk precinct

Signage

- Install identification signs for the project and traffic control signs.

Subdivision

- Creation of Part Lot 1 - community areas & roads in The Boardwalk & The Dunes precincts and creation of Super Lots 2 to 11 & Lots 12 to 42.
- Creation of sewer pump station lots and maintenance shed lots

2) PHASE 2

Environmental Works

- Creation of the picnic area in the Northern Conservation Area.
- Install protection to the Scar Tree in The Fronds precinct.

Civil Works

- Construction of the roundabout at The Lakes Way entry
- Construction of the drainage culvert south of the proposed roundabout if required.
- Construction of the bio-retention system to the southern edge of The Dunes 1 precinct
- Construction of the cycle and pedestrian paths in the Northern and Southern Conservation Areas.
- Installation of mechanical security gate to replace temporary gate at southern end of The Point precinct, installation of temporary gate to road at the southern end of The Point Precinct and mechanical security gates to the maintenance area.
- Construction of the southern car park, roads, drainage and services to The Boardwalk

precinct (west & north of Community Centre)

- Construction of the perimeter fire roads (hard base only) and gates to external boundaries (except to eastern edge of site).
- Construction of a new sealed public access road from The Lakes Way to the eastern boundary of the site.
- Install LP Gas tanks

Building Works

- Construction of the Dunes precinct community pool, plant rooms and amenities Buildings.
- Construction of the swimming pool and plant room (within Community Centre western building) within The Boardwalk precinct.
- Construction of the Community Centre Complex western building including decks, pathways and maintenance shed within The Boardwalk precinct.
- Construction of houses on Lots 12 to 42 within The Dunes 1 precinct.

Landscaping works

- Completion of the remaining landscaping works to The Lakes Way frontage on the western boundary adjacent to the Boardwalk Precinct.
- Installation of native landscaping to the perimeter fire roads as necessary
- Completion of all landscaping to the tennis courts, shelters, bridges to The Dunes precinct community pool and park
- Landscaping of house lots 12 to 42 (including footpath area) within The Dunes Precinct and the asset protection zone within this precinct.
- Construction of the Boardwalk Playground;
- Installation of landscaping to the park in southern side of The Crest precinct.
- Installation of all landscape irrigation works in The Dunes 1 and The Boardwalk precincts

Signage

- Installation of all signage for The Dunes 1 and part of The Crest precincts
- Install interpretive signage for the Scar Tree within The Frond precinct.

3) PHASE 3

Civil Works

- Construction of the roads, drainage, irrigation main, services and bio-retention systems for The Fronds and part of The Dunes 2 precincts.
- Construction of the car park in the south eastern corner of the Fronds precinct

Subdivision

- Creation of Part Lot 1 (community areas & roads in The Fronds & part of The Dunes 2 precincts) and house lots 2.02 to 2.24

Landscaping Works

- Installation of the fence and buffer zone to the Scar Tree

4) PHASE 4

Building Works

- Construction of houses on Lots 2.02 to 2.24 of The Fronds and part of The Dunes 2 precincts
- Construction of the common area shelters within The Fronds and part of The Dunes 2 precincts.
- Removal of the temporary display apartment.

Landscaping Works

- Landscape house Lots 2.02 to 2.24, including the adjacent footpath area within The Fronds and part of The Dunes 2 precincts
- Completion of landscaping and gates to the perimeter fire roads within The Fronds and part of The Dunes 2 precincts.
- Completion of all softworks, hardworks (including fitness stop), planting and irrigation in The

Fronds and part of The Dunes 2 precincts.

Signage

- Installation of all signage for The Fronds and part of The Dunes 2 precincts.

5) PHASE 5

Civil Works

- Construction of the roads, drainage, services, irrigation main and Bio-retention measures within the remainder of The Dunes 2 precinct.

Subdivision

- Creation of part lot 1 (community areas and roads in the remainder of The Dunes 2 precinct) & house lots 3.02 to 3.33.

6) PHASE 6

Building

- Construct the houses on Lots 3.02 to 3.33 (remainder of The Dunes 2 precinct)

Landscaping

- Landscape house lots 3.02 to 3.33, including adjacent footpath area.
- Completion of all softworks, hardworks, planting and irrigation work in the remainder of The Dunes 2 precinct.
- Installation of landscaping and gates to the perimeter fire roads and asset protection zone within The Dunes 2 precinct.

Signage

- Installation of all signage for the remainder of The Dunes Precinct.

7) PHASE 7

Civil Works

- Construction of all roads, drainage, irrigation main and services within The Crest precinct.

Subdivision

- Creation of Part Lot 1 (community areas & roads in The Crest Precinct) and house Lots 4.02 to 4.20.

8) PHASE 8

Building works

- Construction of houses on lots 4.02 to 4.19 within The Crest precinct.

Landscaping Works

- Landscape House Lots 4.02 to 4.19, including the adjacent footpath area within The Crest precinct.
- Completion of all softworks, hardworks, planting and irrigation in the Crest Precinct.
- Installation of landscaping and gates to the perimeter fire roads and asset protection zones of The Crest Precinct

Signage

- Installation of all signage for The Crest precinct.

9) PHASE 9

Civil Works

- Construction of all roads, drainage, services, irrigation main and bio-retention systems within The Forest 1 precinct.
- Install mechanical security gates to The Forest precinct.
- Construction of the lead in sewer lines and pump station 2 within The Forest 1 precinct

Building Works

- Construction of the remainder of security fence to western boundary

Subdivision

- Creation of Part Lot 1 (community areas & roads in The Forest 1 Precinct) and House Lots 5.02 to 5.40.

10) PHASE 10

Building Works

- Construct houses on Lots 5.02 to 5.40 within the Forest 1 precinct.
- Construct the pool, plant room and shelter within The Forest 1 precinct

Landscaping

- Landscape House Lots 5.2 to 5.40, including adjacent footpath area within The Forest 1 precinct.
- Completion of all softworks, hardworks, planting and irrigation in The Forest 1 precinct
- Installation of landscaping and gates to the perimeter fire roads and asset protection zones within The Forest 1 precinct.

Signage

- Installation of all signage for The Forest 1 precinct.

11) PHASE 11

Civil Works

- Construction of all roads, drainage irrigation main, services to The Forest 2 precinct
- Finalise access between the fire road and The Lakes Way

Subdivision

- Creation of Part Lot 1 (community areas and roads in The Forest 2 Precinct) and House Lots 6.02 to 6.40.

12) PHASE 12

Civil Works

- Construction of the upgrading works to the drainage culvert on The Lakes Way north of the site entry.

Building Works

- Construct houses on Lots 6.02 to 6.40 within The Forest 2 precinct.
- Construct common area shelters within The Forest 2 precinct.

Landscaping

- Landscape house Lots 6.02 to 6.40, including adjacent footpath area within The Forest 2 precinct.
- Completion of all softworks, hardworks, planting and irrigation in The Forest 2 precinct
- Installation of landscaping and gates to the perimeter fire roads and asset protection zones within The Forest 2 precinct

Signage

- Installation of all signage for The Forest 2 precinct.

13) PHASE 13

Civil Works

- Construction of all roads, drainage, irrigation main and services within The Palms precinct
- Finalise fire road access to The Lakes Way.
- Installation of mechanical security gates to The Palms precinct

Building Works

- Construct the swimming pool, plant room and shelter within The Palms precinct

- Construct security fencing to the western boundary of The Palms precinct

Subdivision

- Creation of Part Lot 1 (community areas & roads in The Palms Precinct) and house Lots 7.02 to 7.18.

14) PHASE 14

Building Works

- Construct houses on Lots 7.02 to 7.18 within The Palms precinct.
- Construct common area shelters within The Palms precinct.

Landscaping Works

- Landscape house Lots 7.2 to 7.18, including adjacent footpath area within The Palms precinct.
- Completion of all softworks, hardworks (including fitness stop), planting and irrigation within The Palms precinct.
- Installation of landscaping and gates to the perimeter fire roads of The Palms precinct.

Signage

- Installation of all signage for The Palms precinct.

15) PHASES 15A and 15B

PHASE 15A

Building Works

- Construction of apartment blocks A and B within the Cove precinct.

PHASE 15B

Civil Works

- Construction of all roads, car parks, drainage, irrigation mains and services within The Cove and part of The Fronds precincts

Building Works

- Construct all swimming pools, spas, associated plant rooms and shelters within The Cove precinct

Landscaping

- Completion of all softworks, hardworks, planting and irrigation within The Cove
- Installation of landscaping within the eastern asset protection zone of The Cove

Signage

- Installation of all signage to The Cove Precinct.

Subdivision

- Creation of Part Lot 1 (community areas and roads in The Cove precinct) and 40 Strata lots.

16) PHASES 16A and 16B

PHASE 16A

Building Works

- Construction of the basement carpark for apartment blocks C and D within The Point precinct.

Civil Works

- Construct all roads, car parks, drainage, irrigation main and services within The Point precinct.

PHASE 16B

Building Works

- Construct basement car park for apartment blocks E and F within The Point Precinct.

- Construct Apartment Blocks C, D, E and F within The Point precinct.
- Construct all pools, spas and associated plant rooms within The Point precinct.

Landscaping Works

- Completion of all softworks, hardworks, planting and irrigation within The Point Precinct.
- Installation of landscaping and gates to the perimeter fire roads to The Point precinct and the asset protection zone of the Southern Conservation Area.

Signage

- Installation of all signage for The Point precinct.

Subdivision

- Creation of Part Lot 1 (community areas & roads in The Point precinct) and 80 Strata Lots

1.2 Development in accordance with plans

The development is to be undertaken in accordance with the Environmental Assessment Volume 1-4, dated December 2006 prepared by Optima Developments P/L including all Appendices and the following drawings:

Architectural (or Design) Drawings prepared by <i>Morris Bray</i> at Appendix F, Volume 3 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
PP-RS-C-01	B	Overall Development Plan	22/01/07
PP-RS-C-02	B	Civil Phasing Plan	28/05/08
PP-RS-C-03	B	Overall Stormwater Strategy Plan	10/01/07
PP-RS-A-001	E	Site & Dwelling Data	7/02/07
PP-RS-A-001A	A	Basix Data	19/02/07
PP-RS-A-101	B	The Boardwalk - Ground Floor Plan	20/12/07
PP-RS-A-102	B	The Boardwalk - First Floor Plan	
PP-RS-A-103	B	The Boardwalk - Roof Plan	
PP-RS-A-104	B	The Boardwalk - Elevations & Sections Building A	
PP-RS-A-105	B	The Boardwalk - Elevations & Sections Building B	
PP-RS-A-106	B	The Boardwalk - Maintenance Shed	20/12/06
PP-RS-A-107	B	The Dunes - Pool amenities	
PP-RS-A-108	B	The Crest & Dunes - Tennis Shelters	
PP-RS-A-109	B	The Site - Shelters	
PP-RS-A-110	B	The Site - Shelters Continued	
PP-RS-A-201	B	The Crest - C1	18/12/06
PP-RS-A-202	B	The Crest - C2	
PP-RS-A-203	B	The Crest - C3	
PP-RS-A-204	B	The Crest - C4	
PP-RS-A-205	B	The Crest - C5	
PP-RS-A-206	B	The Forest - F1	18/12/06 20/12/06 20/12/06 18/12/06
PP-RS-A-207	B	The Forest - F2	
PP-RS-A-208	B	The Forest - F3 & F3f	
PP-RS-A-209	B	The Forest - F3b	
PP-RS-A-210	B	The Forest - F3d & F3g	
PP-RS-A-211	B	The Forest - F4 & F4b	
PP-RS-A-212	B	The Forest - F5 & F5b	
PP-RS-A-213	B	The Forest - F6	
PP-RS-A-214	B	The Forest - F7	
PP-RS-A-215	B	The Forest - F7b	
PP-RS-A-216	B	The Forest - F8	
PP-RS-A-217	B	The Palms - P1	18/12/06
PP-RS-A-218	B	The Palms - P2	

PP-RS-A-219	B	The Palms - P3	
PP-RS-A-220	B	The Dunes - D1	18/12/06
PP-RS-A-221	B	The Dunes - D2	
PP-RS-A-222	B	The Dunes - D3, D3a	
PP-RS-A-223	B	The Dunes - D3b	
PP-RS-A-224	B	The Dunes - D4	11/04/06
PP-RS-A-225	B	The Dunes - D5	11/04/06
PP-RS-A-226	B	The Dunes - D6, D6a & D6b	11/04/06
PP-RS-A-227	B	The Dunes - D7 & D7a	11/04/06
PP-RS-A-228	B	The Dunes - D8	18/12/06
PP-RS-A-229	B	The Dunes - D9	
PP-RS-A-230	B	The Fronds - FR1	18/12/06
PP-RS-A-231	B	The Fronds - FR2	
PP-RS-A-232a	B	The Fronds - FR3	
PP-RS-A-232b	B	The Fronds - FR3	
PP-RS-A-232c	B	The Fronds - FR3	
PP-RS-A-233	B	The Fronds - FR4	
PP-RS-A-234	B	Garage Details	18/12/06
PP-RS-A-235	B	Carport Details	
PP-RS-A-301	C	The Cove & Point Site Plan	07/02/07
PP-RS-A-302	C	The Cove - Site Plan	18/12/06
PP-RS-A-303	C	The Cove - Basement Plan	07/02/07
PP-RS-A-304	C	The Cove - Building A Plans - Sheet 1	18/12/06
PP-RS-A-305	C	The Cove - Building A Plans - Sheet 2	
PP-RS-A-306	C	The Cove - Building A - Sections & elevations	
PP-RS-A-307	C	The Cove - Building B Plans - Sheet 1	
PP-RS-A-308	C	The Cove - Building B Plans - Sheet 2	
PP-RS-A-309	C	The Cove - Building B - Sections & Elevations	
PP-RS-A-310	B	The Point - Site Plan - Sheet 1	20/12/06
PP-RS-A-311	B	The Point - Site Plan - Sheet 2	
PP-RS-A-312	B	The Point - Basement Plan - Sheet 1	
PP-RS-A-313	B	The Point - Basement Plan - Sheet 2	
PP-RS-A-314	B	The Point - Building C Plans - Sheet 1	
PP-RS-A-315	C	The Point - Building C Plans - Sheet 2	31/10/07
PP-RS-A-316	C	The Point - Building C Sections & Elevations	31/10/07
PP-RS-A-317	B	The Point - Building D Plans - Sheet 1	20/12/06
PP-RS-A-318	C	The Point - Building D Plans - Sheet 2	31/10/07
PP-RS-A-319	C	The Point - Building D Sections & Elevations	31/10/07
PP-RS-A-320	B	The Point - Building E Plans - Sheet 1	20/12/06
PP-RS-A-321	C	The Point - Building E Plans - Sheet 2	31/10/07
PP-RS-A-322	C	The Point - Building E Sections & Elevations	31/10/07
PP-RS-A-323	B	The Point - Building F Plans - Sheet 1	20/12/06
PP-RS-A-324	C	The Point - Building F Plans - Sheet 2	31/10/07
PP-RS-A-325	C	The Point - Building F Sections & Elevations	31/10/07
PP-RS-A-401	B	Shadow Diagrams June 21 9am	21/12/06
PP-RS-A-402	B	Shadow Diagrams June 21 12pm	21/12/06
PP-RS-A-403	D	Shadow Diagrams June 21 3pm	22/12/06
Landscape Drawings prepared by <i>Morris Bray</i> at Appendix F, Volume 3 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date

PP-RS-L-401	C	Landscape Details	19/09/05
PP-RS-L-402	C	Landscape Details	
PP-RS-L-403	C	Landscape Details	
PP-RS-L-404	C	Landscape Details	
PP-RS-L-405	C	Landscape Details	
PP-RS-L-406	C	Landscape Details	
PP-RS-L-407	C	Landscape Details	
PP-RS-L-408	C	Landscape Details	
PP-RS-L-409	C	Landscape Details	
PP-RS-L-410	C	Landscape Details	
PP-RS-L-411	C	Landscape Details	
PP-RS-L-412	C	Landscape Details	
PP-RS-L-413	C	Landscape Details	
PP-RS-L-414	C	Landscape Details	
PP-RS-L-415	C	Landscape Details	
PP-RS-L-416	C	Landscape Details	
PP-RS-L-417	C	Landscape Details	
PP-RS-A-418	C	Landscape Details	
PP-RS-L-501	C	Landscape Site Sections	19/09/05
PP-RS-L-502	C	Landscape Site Sections	
PP-RS-L-503	C	Landscape Site Sections	
PP-RS-L-601	C	Landscape Hardworks Finishes	19/09/05
PP-RS-L-602	C	Landscape Hardworks Finishes	
PP-RS-L-603	C	Landscape Hardworks Finishes	
PP-RS-L-604	C	Landscape Hardworks Finishes	
PP-RS-L-701	C	Landscape Indicative Plant Schedule	19/09/05
PP-RS-L-702	C	Landscape Indicative Plant Schedule	
PP-RS-L-703	C	Landscape Indicative Plant Schedule	
PP-RS-L-704	C	Landscape Indicative Plant Schedule	
PP-RS-L-705	C	Landscape Indicative Plant Schedule	
PP-RS-L-706	C	Landscape Indicative Plant Schedule	
PP-RS-L-707	C	Landscape Indicative Plant Schedule	
PP-RS-L-708	C	Landscape Indicative Plant Schedule	
Phasing Plans prepared by Morris Bray at Appendix F Volume 4 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
PP-PH01-C-01	B	Bulk Earthworks Plan	22/01/07
PP-PH01-C-02	B	Plan of development Lot 10 (The Entry & The Boardwalk)	22/01/07
PP-PH01-C-03	B	Plan of Development Lots 12 - 42 (The Dunes 1)	22/01/07
PP-PH01-A-001	E	Site Setout Plan	22/01/07
PP-PH01-A-002	E	Setout Plan - The Boardwalk & The Crest	22/01/07
PP-PH01-A-003	E	Setout Plan - The Dunes 1	22/01/07
PP-PH01-A-004	E	Setout Plan - The Dunes 1 & The Cove	22/01/07
PP-PH01-L-101	E	Landscape Hardworks	19/09/05
PP-PH01-L-104	E	Landscape Hardworks	
PP-PH01-L-109	E	Landscape Hardworks	
PP-PH01-L-110	E	Landscape Hardworks	
PP-PH01-L-111	E	Landscape Hardworks	
PP-PH01-L-115	E	Landscape Hardworks	
PP-PH01-L-116	E	Landscape Hardworks	
PP-PH01-L-117	E	Landscape Hardworks	
PP-PH01-L-122	E	Landscape Hardworks	
PP-PH01-L-123	E	Landscape Hardworks	
PP-PH01-L-124	E	Landscape Hardworks	
PP-PH01-L-201	E	Landscape Softworks	
PP-PH01-L-204	E	Landscape Softworks	

PP-PH01-L-209	E	Landscape Softworks	
PP-PH01-L-210	E	Landscape Softworks	
PP-PH01-L-211	E	Landscape Softworks	
PP-PH01-L-215	E	Landscape Softworks	
PP-PH01-L-216	E	Landscape Softworks	
PP-PH01-L-217	E	Landscape Softworks	
PP-PH01-L-222	E	Landscape Softworks	
PP-PH01-L-223	E	Landscape Softworks	
PP-PH01-L-224	E	Landscape Softworks	
PP-PH01-L-301	E	Landscape Furniture & Lighting	
PP-PH01-L-304	E	Landscape Furniture & Lighting	
PP-PH01-L-309	E	Landscape Furniture & Lighting	
PP-PH01-L-310	E	Landscape Furniture & Lighting	
PP-PH01-L-311	E	Landscape Furniture & Lighting	
PP-PH01-L-315	E	Landscape Furniture & Lighting	
PP-PH01-L-316	E	Landscape Furniture & Lighting	
PP-PH01-L-317	E	Landscape Furniture & Lighting	
PP-PH01-L-322	E	Landscape Furniture & Lighting	
PP-PH01-L-323	E	Landscape Furniture & Lighting	
PP-PH01-L-324	E	Landscape Furniture & Lighting	
PP-PH02-A-001	E	Site Setout Plan	22/01/07
PP-PH02-A-002	E	Setout Plan - The Boardwalk & The Crest	
PP-PH02-A-003	E	Setout Plan - The Dunes 1	
PP-PH02-A-004	E	Setout Plan - The Dunes 1 & The Point	

PP-PH02-L-106	E	Landscape Hardworks	19/09/05
PP-PH02-L-107	E	Landscape Hardworks	
PP-PH02-L-110	E	Landscape Hardworks	
PP-PH02-L-111	E	Landscape Hardworks	
PP-PH02-L-112	E	Landscape Hardworks	
PP-PH02-L-113	E	Landscape Hardworks	
PP-PH02-L-116	E	Landscape Hardworks	
PP-PH02-L-117	E	Landscape Hardworks	
PP-PH02-L-118	E	Landscape Hardworks	
PP-PH02-L-119	E	Landscape Hardworks	
PP-PH02-L-120	E	Landscape Hardworks	
PP-PH02-L-125	E	Landscape Hardworks	
PP-PH02-L-126	E	Landscape Hardworks	
PP-PH02-L-206	E	Landscape Softworks	
PP-PH02-L-207	E	Landscape Softworks	
PP-PH02-L-210	E	Landscape Softworks	
PP-PH02-L-211	E	Landscape Softworks	
PP-PH02-L-212	E	Landscape Softworks	
PP-PH02-L-213	E	Landscape Softworks	
PP-PH02-L-216	E	Landscape Softworks	
PP-PH02-L-217	E	Landscape Softworks	
PP-PH02-L-218	E	Landscape Softworks	
PP-PH02-L-219	E	Landscape Softworks	
PP-PH02-L-220	E	Landscape Softworks	
PP-PH02-L-225	E	Landscape Softworks	
PP-PH02-L-226	E	Landscape Softworks	
PP-PH02-L-306	E	Landscape Furniture & Lighting	
PP-PH02-L-307	E	Landscape Furniture & Lighting	
PP-PH02-L-310	E	Landscape Furniture & Lighting	
PP-PH02-L-311	E	Landscape Furniture & Lighting	
PP-PH02-L-312	E	Landscape Furniture & Lighting	
PP-PH02-L-313	E	Landscape Furniture & Lighting	
PP-PH02-L-316	E	Landscape Furniture & Lighting	
PP-PH02-L-317	E	Landscape Furniture & Lighting	
PP-PH02-L-318	E	Landscape Furniture & Lighting	
PP-PH02-L-319	E	Landscape Furniture & Lighting	
PP-PH02-L-320	E	Landscape Furniture & Lighting	
PP-PH02-L-325	E	Landscape Furniture & Lighting	
PP-PH02-L-326	E	Landscape Furniture & Lighting	
PP-PH02-C-01	A	Plan of Development Lot 10 (the Entry & The Boardwalk)	28/05/08
PP-PH03-C-01	B	Plan of Development Lots 2.02-2.24 (The Fronds & Part Dunes 2)	22/01/07
PP-PH04-A-001	E	Site Setout Plan	22/01/07
PP-PH04-A-002	E	Setout Plan - The Dunes & The Fronds	22/01/07
PP-PH04-L-108	E	Landscape Hardworks	19/09/05
PP-PH04-L-114	E	Landscape Hardworks	
PP-PH04-L-115	E	Landscape Hardworks	
PP-PH04-L-120	E	Landscape Hardworks	
PP-PH04-L-121	E	Landscape Hardworks	
PP-PH04-L-208	E	Landscape Softworks	
PP-PH04-L-214	E	Landscape Softworks	
PP-PH04-L-215	E	Landscape Softworks	
PP-PH04-L-220	E	Landscape Softworks	
PP-PH04-L-221	E	Landscape Softworks	
PP-PH04-L-308	E	Landscape Furniture & Lighting	
PP-PH04-L-314	E	Landscape Furniture & Lighting	
PP-PH04-L-315	E	Landscape Furniture & Lighting	
PP-PH04-L-320	E	Landscape Furniture & Lighting	

PP-PH04-L-321	E	Landscape Furniture & Lighting	
PP-PH05-C-01	B	Plan of Development Lots 3.02-3.33 (Remainder of The Dunes 2)	22/01/07
PP-PH06-A-001	E	Site Setout Plan	22/01/07
PP-PH06-A-002	E	Setout Plan - The Dunes	
PP-PH06-L-107	E	Landscape Hardworks	19/09/05
PP-PH06-L-112	E	Landscape Hardworks	
PP-PH06-L-113	E	Landscape Hardworks	
PP-PH06-L-114	E	Landscape Hardworks	
PP-PH06-L-119	E	Landscape Hardworks	
PP-PH06-L-120	E	Landscape Hardworks	
PP-PH06-L-207	E	Landscape Softworks	
PP-PH06-L-212	E	Landscape Softworks	
PP-PH06-L-213	E	Landscape Softworks	
PP-PH06-L-214	E	Landscape Softworks	
PP-PH06-L-219	E	Landscape Softworks	
PP-PH06-L-220	E	Landscape Softworks	
PP-PH06-L-307	E	Landscape Furniture & Lighting	
PP-PH06-L-312	E	Landscape Furniture & Lighting	
PP-PH06-L-313	E	Landscape Furniture & Lighting	
PP-PH06-L-314	E	Landscape Furniture & Lighting	
PP-PH06-L-319	E	Landscape Furniture & Lighting	
PP-PH06-L-320	E	Landscape Furniture & Lighting	
PP-PH07-C-01	B	Plan of Development Lots 4.02 -4.20 (The Crest)	22/01/07
PP-PH08-A-001	E	Site Setout Plan	22/01/07
PP-PH08-A-002	E	Setout Plan - The Crest	
PP-PH08-L-106	E	Landscape Hardworks	19/09/05
PP-PH08-L-107	E	Landscape Hardworks	
PP-PH08-L-111	E	Landscape Hardworks	
PP-PH08-L-112	E	Landscape Hardworks	
PP-PH02-L-206	E	Landscape Softworks	
PP-PH02-L-207	E	Landscape Softworks	
PP-PH02-L-211	E	Landscape Softworks	
PP-PH02-L-212	E	Landscape Softworks	
PP-PH02-L-306	E	Landscape Furniture & Lighting	
PP-PH02-L-307	E	Landscape Furniture & Lighting	
PP-PH02-L-311	E	Landscape Furniture & Lighting	
PP-PH02-L-312	E	Landscape Furniture & Lighting	
PP-PH09-C-01	B	Plan of Development Lots 5.02-5.40 (The Forest 1)	22/01/07
PP-PH10-A-001	E	Site Setout Plan	22/01/07
PP-PH10-A-002	E	Setout Plan - The Forest 1	
PP-PH10-L-102	E	Landscape Hardworks	19/09/05
PP-PH10-L-103	E	Landscape Hardworks	
PP-PH10-L-104	E	Landscape Hardworks	
PP-PH10-L-105	E	Landscape Hardworks	
PP-PH10-L-106	E	Landscape Hardworks	
PP-PH10-L-109	E	Landscape Hardworks	
PP-PH10-L-110	E	Landscape Hardworks	
PP-PH10-L-111	E	Landscape Hardworks	
PP-PH10-L-202	E	Landscape Softworks	
PP-PH10-L-203	E	Landscape Softworks	
PP-PH10-L-204	E	Landscape Softworks	
PP-PH10-L-205	E	Landscape Softworks	
PP-PH10-L-206	E	Landscape Softworks	
PP-PH10-L-209	E	Landscape Softworks	
PP-PH10-L-210	E	Landscape Softworks	
PP-PH10-L-211	E	Landscape Softworks	

PP-PH10-L-302	E	Landscape Furniture & Lighting	
PP-PH10-L-303	E	Landscape Furniture & Lighting	
PP-PH10-L-304	E	Landscape Furniture & Lighting	
PP-PH10-L-305	E	Landscape Furniture & Lighting	
PP-PH10-L-306	E	Landscape Furniture & Lighting	
PP-PH10-L-309	E	Landscape Furniture & Lighting	
PP-PH10-L-310	E	Landscape Furniture & Lighting	
PP-PH10-L-311	E	Landscape Furniture & Lighting	
PP-PH11-C-01	B	Plan of Development Lots 6.02-6.40 (The Forest 2)	22/01/07
PP-PH12-A-001	E	Site Setout Plan	22/01/07
PP-PH12-A-002	E	Setout Plan - The Forest 2	
PP-PH12-L-101	E	Landscape Hardworks	19/09/05
PP-PH12-L-102	E	Landscape Hardworks	
PP-PH12-L-103	E	Landscape Hardworks	
PP-PH12-L-104	E	Landscape Hardworks	
PP-PH12-L-105	E	Landscape Hardworks	
PP-PH12-L-201	E	Landscape Softworks	
PP-PH12-L-202	E	Landscape Softworks	
PP-PH12-L-203	E	Landscape Softworks	
PP-PH12-L-204	E	Landscape Softworks	
PP-PH12-L-205	E	Landscape Softworks	
PP-PH12-L-301	E	Landscape Furniture & Lighting	
PP-PH12-L-302	E	Landscape Furniture & Lighting	
PP-PH12-L-303	E	Landscape Furniture & Lighting	
PP-PH12-L-304	E	Landscape Furniture & Lighting	
PP-PH12-L-305	E	Landscape Furniture & Lighting	
PP-PH13-C-01	B	Plan of Development Lots 7.02-7.18 (The Palms)	22/01/07
PP-PH14-A-001	E	Site Setout Plan	22/01/07
PP-PH14-A-002	E	Setout Plan - The Palms	
PP-PH14-L-116	E	Landscape Hardworks	19/09/05
PP-PH14-L-117	E	Landscape Hardworks	
PP-PH14-L-122	E	Landscape Hardworks	
PP-PH14-L-123	E	Landscape Hardworks	
PP-PH14-L-124	E	Landscape Hardworks	
PP-PH14-L-216	E	Landscape Softworks	
PP-PH14-L-217	E	Landscape Softworks	
PP-PH14-L-222	E	Landscape Softworks	
PP-PH14-L-223	E	Landscape Softworks	
PP-PH14-L-224	E	Landscape Softworks	
PP-PH14-L-316	E	Landscape Furniture & Lighting	
PP-PH14-L-317	E	Landscape Furniture & Lighting	
PP-PH14-L-322	E	Landscape Furniture & Lighting	
PP-PH14-L-323	E	Landscape Furniture & Lighting	
PP-PH14-L-324	E	Landscape Furniture & Lighting	
PP-PH15A-C-01	B	Plan of Development Lot 9 (The Cove)	22/01/07
PP-PH15A-A-001	E	Site Setout Plan	22/01/07
PP-PH15A-A-002	E	Setout Plan - The Cove	
PP-PH15B-A-001	E	Site Setout Plan	22/01/07
PP-PH15B-A-002	E	Setout Plan - The Cove	
PP-PH15B-L-120	F	Landscape Hardworks	19/09/05
PP-PH15B-L-121	F	Landscape Hardworks	
PP-PH15B-L-126	F	Landscape Hardworks	
PP-PH15B-L-127	F	Landscape Hardworks	
PP-PH15B-L-220	F	Landscape Softworks	
PP-PH15B-L-221	F	Landscape Softworks	
PP-PH15B-L-226	F	Landscape Softworks	
PP-PH15B-L-227	F	Landscape Softworks	

PP-PH15B-L-320	F	Landscape Furniture & Lighting	
PP-PH15B-L-321	F	Landscape Furniture & Lighting	
PP-PH15B-L-326	F	Landscape Furniture & Lighting	
PP-PH15B-L-327	F	Landscape Furniture & Lighting	
PP-PH16A-C-01	B	Plan of Development Lot 8 (The Point)	22/01/07
PP-PH16A-001	E	Site Setout Plan	22/01/07
PP-PH16A-002	E	Setout Plan - The Point	
PP-PH16B-A-001	E	Site Setout Plan	22/01/07
PP-PH16B-A-002	E	Setout Plan - The Point	
PP-PH16B-L-125	F	Landscape Hardworks	19/09/05
PP-PH16B-L-126	F	Landscape Hardworks	
PP-PH16B-L-127	F	Landscape Hardworks	
PP-PH16B-L-225	F	Landscape Softworks	
PP-PH16B-L-226	F	Landscape Softworks	
PP-PH16B-L-227	F	Landscape Softworks	
PP-PH16B-L-325	F	Landscape Furniture & Lighting	
PP-PH16B-L-326	F	Landscape Furniture & Lighting	
PP-PH16B-L-327	F	Landscape Furniture & Lighting	
Road and Drainage Works prepared by Lidbury, Summers & Whiteman File No 0109RBT Sheet 1 of 4 dated 29 May 2008.			

The exceptions to this condition include any modifications which are 'Exempt Development' as identified in *Great Lakes DCP 28 - Exempt and Complying Development* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA or otherwise provided by the conditions of this approval.

1.3 Construction Certificates

A Construction Certificate must be obtained from the Certifying Authority for each phase of the project before any work can commence for that phase on the site.

1.4 Subdivision Certificates

A Subdivision Certificate pursuant to Section 109C(1)(d) of the Act must be obtained from the Certifying Authority for each phase of the subdivision before the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any phase within the subdivision.

1.5 Development in accordance with documents

The development will be carried out in accordance with the details set out in the following documents, which are incorporated into this consent:

1. *Environmental Assessment Report* Volumes 1-4, prepared by Optima Developments P/L on behalf of Seven Mile Beach P/L, dated December 2006;
2. *Development Control Plan No. 40 – Seven Mile Beach*;
3. *Landscape Design Report*, prepared by Site Image Pty Ltd and dated May 2006;
4. *Ecological Site Management Plan*, prepared by Conacher Travers Pty Ltd and dated December 2006;
5. *Squirrel Glider Habitat Management Plan*, prepared by Conacher Travers Pty Ltd and dated December 2005 (amended July 2006).
6. *Bushfire Emergency Response Plan, Bushfire Contingency Plan Updated* as per RFS, *Bushfire Fuel Management Plan Updated* as per RFS and *Bushfire Protection Assessment Updated* as per RFS, prepared by Conacher Travers Pty Ltd and dated July 2006;
7. *Environmental Validation Report*, prepared by Conacher Travers Pty Ltd and dated December 2006;

8. *Eastern Habitat Corridor Restoration Plan*, prepared by Conacher Travers Pty Ltd and dated March 2008;
9. *Stormwater Management Plan*, prepared by Boyden & Partners Pty Ltd and dated January 2007;
10. *Pest Species Management Plan*, prepared by Conacher Travers Pty Ltd and dated July 2006;
11. *Bushland Management Plan*, prepared by Conacher Travers Pty Ltd and dated July 2006;
12. *Tree Management Plan*, prepared by Conacher Travers Pty Ltd and dated July 2006;
13. *Signage Masterplan*, prepared by Diadem and dated May 2006;
14. *Waste Management Plan*, prepared by URS and dated 22 December 2005;
15. The 'Deed of Agreement' dated 29 May 2008 between the developer and NSW Department of Environment and Climate Change for access work to, and within, Booti Booti National Park;
16. The correspondence entitled "*Ecological impacts of the proposed access track location, Seven Mile Beach*" of Conacher Travers P/L, dated 2nd October 2007;
17. The correspondence entitled "*Advice on impacts of climate change on the proposed development at Seven Mile Beach – Revision D*" prepared by Worley Parsons, dated 13 June 2008.
18. Access Assessment prepared by GHD; and
19. Colours and finishes sample boards for each precinct of the development as submitted to Great Lakes Council;
20. BASIX Certificates as follows (appendix 14 to Environmental Assessment):

Certificate Number	Project Name	Address
121588M 124178M 123297M	SMB HOUSES [ALL] SMB APARTMENTS [THE POINT] SMB APARTMENTS [THE COVE]	The Lakes Way Forster

1.6 Inconsistency between documents

- a) In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.
- b) In the event of any inconsistency between conditions of this approval and the Statement of Commitments, the conditions of this approval prevail.

1.7 Pet Ownership

Cats and Dogs (other than "Assistance animals" as defined in the *Disability Discrimination Act 1992* for people with disabilities) will not be introduced, permitted or suffered within the development by residents, agents, or contractors at any time.

1.8 Monitoring/ Auditing & Reporting

The Proponent shall arrange and ensure that copies of all audits, certifications, habitat corridor activity reviews, annual environmental management reports, results of monitoring, annual reports, bushfire occurrence reports, site landscape maintenance reports, restoration monitoring reports, compliance assessments of native vegetation protection and management and all other relevant reports required in the Statement of Commitments are provided to Great Lakes Council within two-weeks of their completion.

1.9 Continued Public Access - Amendment to phasing plans

To ensure adequate public access to the area known as "Janies Corner" within Booti Booti National

Park, proposed road No. 17, (the new National Park Access Road) including the section through the development site and the new section through the National Park is to be constructed and have the final surface installed as required by the deed of agreement and **prior to the issue of the Occupation Certificate for Phase 2 building works.**

1.10 Planning Agreement

The Proponent shall enter into a Planning Agreement with Great Lakes Council under section 93F of the *Environmental Planning and Assessment Act 1979* in accordance with the terms of offer made by the Proponent in its Statement of Commitments.

1.11 Proposed National Park access road (within the development site)

The proposed new access road to the Booti Booti National Park is to be constructed in accordance with the Deed of Agreement between the NSW Department of Environment and Climate Change and the Proponent dated 29 May 2008, and the plans prepared by Lidbury, Summers & Whiteman File No 0109, Issue D dated 19 March 2007.

This proposed new access road and other works proposed within the adjoining national Park and which are covered by the Deed of Agreement must be constructed having regard to the following requirements:

- a. The proponent shall consult with DECC's Great Lakes Area Manager prior to the commencement of works to ensure that the road closure and park works, such as Janies Corner access road, are undertaken in a coordinated manner and to determine requirements for any gating;
- b. An easement pursuant to section 88A of the *Conveyancing Act 1919* for a right of carriageway to access Booti Booti National Park shall be created prior to the access road being opened/used;
- c. Wildlife corridors created 2 years after the establishment of the access road and should be provided under the road carriageway through the drainage lines (contact Council's Natural Systems officer for details);
- d. Minimum three traffic speed control devices designed and constructed to RTA requirements (e.g. wombat crossings) are to be installed along the access road with warning signs (Note that one shall be located prior to the intersection of road 12 (and the gate for the National Park);
- e. The access road shall be suitably line marked, and with a 40 Kph speed advisory signs, etc in general accordance with RTA guidelines;
- f. Public access provisions including suitable gating along the National Park access Road (to restrict night-time access along this road) to be determined in consultation with DECC's Great Lakes Area Manager;
- g. A suitable paved area for vehicles to undertake a three point turn shall be provided on the western side of the gate within the development site;
- h. Vehicular access between the development site and this road (other than emergency and maintenance vehicles) is not permitted. The access road No. 12 is to be suitably controlled with gating and with appropriate locks for the Rural Fire Service. The adjacent side areas shall be suitably blocked off with a combination of fences and native vegetation;
- i. Signs stating 'no vehicular access other than emergency and maintenance vehicles' to be erected on both sides of the gating at the intersection of Road 12 and the new Booti Booti National Park access road;
- j. Appropriately worded danger warning signs are to be provided at the entrance to the National park warning users/public of the hazardous conditions and that the beach is not patrolled. Signs are to be developed in consultation with DECC's Great Lakes Area Manager;
- k. Upon the opening of the new Booti Booti National Park access road, the existing Scenic Drive entrance onto The Lakes Way shall be closed to the public.

1.12 Deed of Agreement

The works outlined in the Deed of Agreement between the Proponent and the Minister for the Environment and Climate Change dated 29 May 2008 must be carried out in accordance with this Deed.

1.13 Vehicle access

All public and private vehicular access to the development site (with the exception of construction traffic) shall be via the proposed roundabout only at the intersection of The Lakes Way and the existing Road No 1 within the site (Separate access is approved for the new Booti Booti National Park access road that services Janies Corner/Seven Mile Beach). Emergency and maintenance vehicles only (other than cyclists and pedestrians etc) are permitted to access the proposed fire trails and Road 12 (via the access Road to the Booti Booti National Park). Proposed Road 12 and fire trails are to be suitably controlled with gating and appropriate locks for the Rural Fire Service and suitably sign posted to advise of these restrictions.

1.14 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

1.15 Aboriginal Cultural Heritage

To ensure the ongoing management of Aboriginal Cultural heritage values the proponent must undertake all works within the development site in accordance with the requirements of the DECC and in particular:

1. The proponent shall continue to consult with and involve Aboriginal representatives for the project and shall respond to any reasonable request to involve the Aboriginal community in the work.
2. The Proponent must ensure that all contractor/s and/or maintenance personnel involved in the construction of the development are informed of the National Parks and Wildlife Act (1974) legislative obligations in the management and/or protection of Aboriginal objects and/or Aboriginal places.
3. The Aboriginal scarred tree site Shark 1 (DEC site #38-3-0255) is to be protected by a development exclusion zone of no less than 20 metres in diameter, and the site and exclusion zone are to be fenced off with parawebbing or other highly visible barrier, in the presence of Forster Local Aboriginal Land Council representatives **prior to the commencement of ground disturbance works for the project**. All contractor/s and/or maintenance personnel involved in the construction of the development on the subject lands shall be made aware that this area is off-limits to the development and construction personnel. The Proponent will ensure that this condition is incorporated into the contract specifications for the project or other mechanism suitable to achieve on-ground compliance with this condition.
4. Should any skeletal material be uncovered which is thought to represent human remains, all work must cease in the immediate vicinity and the proponent must contact the NSW Police and Department of Environment and Conservation (Environment Line, phone 131555). Work must not recommence in the area where the skeletal material has been uncovered until such time as NSW Police and Department of Environment and Conservation have provided advice, following consultation with the relevant Aboriginal community groups, on whether there are any subsequent approval requirements.
5. The proposed mitigation measures, including salvage of Aboriginal objects, are to be conducted in accordance with the methods described in the Application to DECC dated

21 February 2005 and registered with the DECC as DOC 05/04333, inclusive of the following modification:

The Forster LALC shall be provided the opportunity to sieve or otherwise sort through a sample of the sand material excavated each day for re-filling of the sand quarry pit, being no less than 5m³ taken from each day's excavations. The sample material will be deposited in a safe location within the area covered by this consent, but away from the immediate vicinity of operating earth moving machinery. Any Aboriginal objects recovered from the sample material will be bagged and retained for reburial at the completion of the sand quarry pit refilling works. The Proponent will be responsible for storing the recovered Aboriginal objects in a safe, secure location on site until the ground disturbance works in the sand quarry pit area is completed, after which time the Aboriginal objects shall be reburied within the pit area.

6. All Aboriginal stakeholders identified for this project must be provided with the opportunity to participate in the salvage of Aboriginal objects described in Schedule 'A', in accordance with the methods outlined in the Application to DECC dated 21 February 2005 and as further set out in the modification stated in point 5 and registered with the DECC as DOC 05/04333 during the development-related ground disturbance activities on the subject lands.
7. The Proponent must liaise with the Aboriginal stakeholders for the project regarding the reburial of Aboriginal objects recovered during the salvage operations. The Aboriginal objects must be bagged in plastic "zip lock" bags and wrapped with a layer of geo-textile prior to reburial. The exact coordinates of the reburied Aboriginal objects must be recorded, and a new DECC Standard Aboriginal Site Recording Form must be submitted to the Department of Environment and Climate Change.
8. The Aboriginal cultural heritage mitigation methods are to be conducted in accordance with the methods described in the Application to DECC dated 21 February 2005 and registered with the DECC as DOC 05/4333, (inclusive of the modification listed in **point 2** above) are incorporated into the contract specifications for the project or other mechanism suitable to achieve on-ground compliance with this condition.
9. The Proponent shall liaise with the Forster LALC regarding the preparation and establishment of interpretive signage for the Aboriginal scarred tree site Shark 1 (DEC site #38-3-0255).
10. The Proponent will ensure that any proposals to modify the mitigation measures and/or collection methodology are firstly discussed with and have written endorsement of, the Aboriginal stakeholders for the project and the Department of Environment and Climate Change, prior to modifications being implemented.
11. The Proponent shall furnish the DECC and Forster LALC with a plain English summary report of the works undertaken under this approval, inclusive of a photo log and a count of Aboriginal objects retrieved. A copy of the report shall be buried in a damp and decay-resistant container in association with the Aboriginal objects, in accordance with **Point 4**.
12. Should any 'relic' defined under the *Heritage Act* of NSW be uncovered, then excavation or disturbance of that area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the *Heritage Act*, 1977 (as amended). Historical archaeologists at the Heritage Council can be contacted on (02) 8837 8500.

A 'relic' under the *Heritage Act* is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

13. At the completion of the salvage and **prior to the issue of any Occupation Certificate** the proponent shall furnish the Department of Environment and Conservation with a report which includes:
 - a complete list of all material recovered;
 - a detailed description of the methods of excavation/collection and analysis used;
 - a detailed plan of the site, including the location of collection areas, all trenches, auger holes and spoil heaps;
 - summary of the consultation undertaken with relevant Local Aboriginal Land Councils or relevant Aboriginal Community Groups.
14. An officer of the Department of Environment and Climate Change acting on the authority of the Director-General, may at any time examine work done or any objects recovered under this approval.
15. The Department of Environment and Conservation may supply copies of relevant reports as furnished by the holder of the Permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc. as required, to local Aboriginal communities or other interested local groups.
16. The proponent shall keep field records and a copy of such records shall be lodged with the Department of Environment and Climate Change at the termination of each field work period if requested.
17. The proponent shall notify the local office of the Department of Environment and Climate Change at the commencement and completion of field work, and shall supply to District officers details of field work programs and results if requested.

2. PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATES

Common Conditions (relating to both building and civil phases)

2.1 Surrender of Consent

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this approval, the Proponent shall, **prior to the issue of the Construction Certificate for the first phase** of the development and in the manner prescribed by Clause 97 of the Regulation, surrender the development consent No DA 15/1997 for a Tourist Facility including a 9 hole golf course at Lot 103, 142 and 178 DP 753168 dated 17 December 1996.

2.2 Traffic Management

Prior to the issue of a Construction Certificate for Phase 1 (excluding the Construction Certificate for the bulk earthworks), a "Work Instruction" from the RTA (contact the RTA's Road Safety and Traffic Services Manager on (02) 4924 0260) must be obtained for the extension of the existing 80Km/hr speed zone on The Lakes Way north of the subject site to an appropriate distance to the south of the new Janie's Corner access road to the satisfaction of the RTA.

2.3 Traffic Control at Work Sites

The proponent shall submit a Work Site Traffic Control Plan ("TCP") prepared in accordance with the RTA "Traffic Control at Work Sites Manual" to the Certifying Authority for approval **prior to the issue of any Construction Certificate for all relevant phases** of the development which include road works or the commencement of any works on the site and within Council's road reserve.

The traffic control plan/s shall include and provide for the following items related to the construction works (but are not necessarily limited to):

- deliveries (e.g. site sheds, cranes, material deliveries etc);
- site pick ups (e.g. spoil from excavation, removal of site sheds, equipment, materials etc)
- pedestrian movements;
- time and date of operations;
- proposed construction zones;
- truck traffic routes.

The TCPs must demonstrate the following:-

- a) The TCP/s must provide for all pedestrians, cyclists and vehicular traffic movement's etc adjacent to the site. Where the works on the development site require temporary and/or part public road closure/s (including footpath/s), the approval of Great Lakes Council must be obtained.
- b) A construction zone, temporary road closure or truck traffic route shall not block or adversely affect a major public event and/or the public during the main tourist seasons (e.g. no traffic hindrance is to occur in the street/road/footpath system). The major events and holidays (but not necessarily limited to) are as follows:-
 - Anaconda Venture Race (approximately August)
 - Easter school holidays
 - Anzac Day
 - Christmas school holidays
 - October long weekend
 - Or any other major events.
- c) The Proponent shall implement and adhere to all requirements stipulated in the approved traffic control plan/s (TCP/s).
- d) Suitably accredited person/s as authorised by the Road and Traffic Authority (RTA) shall:

- Determine and compile the TCP/s
- Personally inspect the installed TCP/s arrangements to ensure compliance with the TCP/s.
- Review, modify and approve such TCP/s.
- Implement the TCP/s
- Install traffic and pedestrian control signs as required by the TCP/s
- Operate any stop/slow bats etc as required by the TCP/s
- A copy of the traffic control plan must be kept on the site at all times during construction works.

2.4 Construction Waste Management Plan

Prior to the issue of a Construction Certificate for each phase of the development, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person. The Proponent shall submit a copy of the plan to the Council prior to commencement of work.

2.5 Erosion and sediment control

An erosion and sediment control plan is to be submitted and approved by the Certifying Authority **prior to the issue of a Construction Certificate for each phase of the development**. A copy of the certified plan is to be provided to Council.

The erosion/sediment control plan must be designed in accordance with the specifications and standards contained in Landcom's *"Soils and Construction Volume 1 Manual, 4th editions, March 2004 Managing Urban Stormwater" (Blue Book)* and shall include the following details:

- Site locality plan drawn to scale and including north point
- Existing contours of the site including catchment area boundaries and indications of direction of fall
- Location and basic description of vegetation
- Diversion of uncontaminated upslope runoff around the disturbed site
- Location of significant natural areas requiring special planning or management
- Nature and extent of earthworks, including cut and fill and roadworks
- Location of soil and material stockpiles
- Location of site access, proposed roads and other impervious areas
- Existing and proposed drainage patterns
- Detail appropriate measures to prevent damage to measures utilised to control stormwater quality and quantity during the construction phase.
- Location and type of sediment control measures
- Site rehabilitation measures, including final contours

Erosion and sediment controls shall be installed by an appropriately qualified person prior to the commencement of any work in order to prevent sediment and silt from the site works being conveyed by stormwater into Council's stormwater system, natural watercourses and bushland. The control devices are to be maintained in a serviceable condition at all times.

2.6 Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified and experienced professional in accordance with *Stone, Y., Ahern, C.R. and Blunden, B. 1998 Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, Wollombar, NSW* for any excavations carried out below the water table. The Management Plan shall be submitted to and approved by Council **prior to the issue of any Construction Certificate for any phase of the development which involves any excavation work below the water table**.

2.7 Bioretention system – detailed design

Detailed design plans prepared by a suitably qualified engineer are to be submitted and approved by Council **prior to the issue of a Construction Certificate for each phase** of the development (excluding bulk earthworks) and include the following:

- a) Bioretention measures for the development shall have a maximum surface storage depth of 1.2 metres with appropriate safety measures including an area of appropriate ingress and egress at 1(v):6(h). The maximum batter/side slope of the bioretention measures shall be 1(v):3(h) unless semi-vertical retaining walls are used.
- b) Bioretention measures with a minimum total top surface area of 19559m² and filter area of 19559m² shall be distributed throughout the development in proportion to the impervious area contributing to the individual measures i.e. the ratio of impervious catchment area (excluding roofs connected to modular infiltration/detention cells) to bioretention surface area shall be similar for each measure. The area of bioretention specified above can be modified if MUSIC modelling and detailed design approved by Council demonstrates that the stormwater quality objectives and the discharge frequency objectives are achieved.
- c) The sides of the bioretention filters shall be lined unless geotechnical analysis of the hydraulic conductivity of the surrounding soils demonstrates that infiltrated stormwater will not bypass the filter. Lining of the base of the bioretention filter will be required where the maximum recorded groundwater level is less than 300mm from the base of the proposed bioretention system.
- d) Each bioretention filter shall be planted with *Carex appressa* and/or other native plant species that have research supported similar performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions, at a minimal density of 4 plants/m². An appropriate timber or other material border shall be provided to demarcate the filter area from the remaining planted/grassed area within the bioretention measure
- e) Design specifications for the proposed filter media to be used demonstrating that the media will achieve a minimum saturated hydraulic conductivity of 150mm/hr at 16, 15 cm drops using the McIntyre Jakobsen Drop Cone Test. Testing shall also be undertaken by NATA registered laboratory to confirm that the filter media has sufficient water holding capacity and is also suitable for supporting growth of the bioretention vegetation. Testing results shall be provided with the construction certificate documentation.
- f) The design and construction of any bioretention measures, landscaping, drainage channels and infiltration measures shall incorporate features to ensure that they do not become potential breeding sites for mosquitoes and plague minnows. The design shall be certified as to compliance with the afore going requirements by a consulting ecologist Following completion of that construction the consulting ecologist shall certify that the construction is consistent with the design.
- g) Enviropod pit inserts (or similar) with a mesh maximum opening size of 400µm shall be provided within all road/bioretention overflow stormwater pits located within the development. Ausdrain enviro sump or similar inserts shall be provided to filter roof runoff draining to the roof water infiltration areas or modular detention/infiltration cells.
- h) Each Phase
 - Details of how the proposed roof areas are connected to the proposed infiltration cell/s, and the size and location of the cells/s
 - A groundwater assessment shall be undertaken by a geotechnical consultant with expertise in hydrogeology immediately following the completion of the MUSIC model to prove that increased infiltration within the site will not impact on buildings and other infrastructure (including stormwater management measures).
 - Stormwater shall be directed into appropriate stormwater management measures close to the source of that stormwater.
 - Details of the design of stormwater quality measures and associated techniques are to be submitted to and approved by Council prior to the first Construction Certificate for each Part of the development.

- i) The engineering drawings shall detail the location and configuration of any drainage overflow weirs, drainage system inlets and water level recording instrumentation.

2.8 Haulage route plan and levy

A Haulage Route Plan for the delivery and removal of materials to and from the site shall be submitted and approved by Council **prior to the issue of a construction certificate for each civil works phase of the development.**

The plan is to address the following:

- a) The quantity of materials to be removed from the site and its destination;
- b) The quantity of materials being imported to the site (for filling and/or roadworks) and the source of the material;
- c) Building materials to be delivered to the site (e.g. concrete, bricks, etc) and the method of delivery, placement and/or storage on the site;
- d) The intended haulage route; NB. A truck traffic route shall not block or adversely affect a major public event and/or the public during the main tourist seasons (e.g. no traffic hindrance is to occur in the street/road/footpath system). The major events and holidays (but not necessarily limited to) are as follows:
 - Easter school holidays
 - Anzac Day
 - Christmas school holidays
 - October long weekend
 - Anaconda Venture Race (approximately August)
 - Any other major events.

Until informed otherwise extra large loads that will require an overmass certificate, as issued by the RTA, are not permitted to cross the Forster/Tuncurry Bridge, i.e. trucks with 50 tonne weight or greater. A levy based on a rate of \$0.031/tonne/Km for the expected haulage of exported materials from the development site will be required to be paid.

The proponent shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities on the haulage routes used for the construction of the development. Haulage routes for the construction shall be as agreed with the Director Engineering Services.

2.9 Pedestrian Management

Tactile strips and devices in accordance with the Australian Standard for Tactile Indicators (AS/NZS 1428.4:2002) (e.g. Guardian tactile systems or similar) shall be installed within and external to the development site at (but not limited to):-Bus stops

- Car parks
- Crossing
- Kerbs
- Steps
- Entrances
- Intersections
- Pram ramps
- Overhead hazards
- Street furniture
- Alfresco dining areas
- Stairways
- Fire escapes
- Ramps

- Walkways
- Hazards adjacent to a path
- Indication of changes of direction etc.

Details and location of the proposed tactile measures are to be submitted to and approved **prior to the issue of a Construction Certificate for each civil works phase** (excluding bulk earthworks) and **Buildings Works Phases 2, 15 and 16** of the development by the certifying authority for the internal works within the development site and the Council for all works within the road and public reserves.

2.10 Internal roads, footpaths, cycleways, car parking and vehicle layout

Details are to be submitted to and approved by the Certifying Authority **prior to the issue of a construction certificate for each civil and building (including the commercial, residential flat and dwelling houses developments) works phase** of the development for all internal roadways, footpaths, cycleways, driveways, car parking and vehicular manoeuvring areas.

These details must demonstrate the following:-

1. Designed and constructed in accordance with DCP 40 and relevant Australian Standards
 - AS 2890.1 Off-street car parking,
 - AS 2890.2 Commercial car parking,
 - AS2890.3 Bicycle parking facilities,
 - AS 2890.6 Off-street car parking for people with disabilities
2. Sealed with a dust free surface, concrete or equivalent, designed by a suitably qualified geotechnical engineer and to Council's satisfaction;
3. Comply with any requirements of the Rural Fire Service;
4. Provided with signposts for two-way traffic direction, entry and exit signs etc in accordance with the RTA Regulatory Signs Manual;
5. Internal bus stops and shelters are to be designed and constructed to the RTA's guidelines for disabled access;
6. Provide curved radial returns in pavement for internal roundabout intersections;
7. Undertaken so that each phase will have constructed links to the overall development with road, cycleway, drainage and other associated utility services; and
8. No subsoil drainage/pipelines are to be constructed/laid in association with either the proposed stormwater drainage or the road carriageway pavements within the development site unless the invert of the subsoil drainage/pipeline is a minimum of 200mm above the measured ground water table. Road pavements are to be designed accordingly.

2.11 Fire Hydrants

Prior to the issue of a Construction Certificate for each civil work phase (excluding bulk earthworks) and Phases 15A, 15B, 16A and 16B of the development, the Proponent must submit details to the Certifying Authority demonstrating that the design and location of fire hydrants meets the requirements of MidCoast Water, NSW Fire Brigades and any relevant Australian Standards. Street hydrants are to be installed prior to the release of the subdivision Certificate for each phase of the development.

2.12 Security bond – protection of works

Payment of the following fees, charges and/or bonds with each associated application for a Public Engineering Works Permit are required to be paid to Council **prior to the issue of a Construction Certificate for that phase** of the development:-

1. A defects liability bond of 5% of all public engineering works associated with the development, as required by this approval, with a minimum of **\$2700**. This bond will be lodged in a Council Trust Fund to cover any defects in the works subsequent to their acceptance by Council. One (1) year

after the acceptance of these works by Council, the bond will be refunded if, at an inspection arranged by the applicant, no defects are apparent. The defects liability bond is reviewed periodically and may change prior to the release of the subdivision. The fees and maintenance period shall be determined from Council's current requirements at the time of acceptance of these works.

2. Engineering supervision fees in accordance with Council's Schedule of Fees at the time of lodgement of plans.

2.13 Security bond – satisfactory completion of work

Submission of a Damage Bond Application Form and payment of a bond in the amount of **\$100,000** shall be paid to Council **prior to the issue of any Construction Certificate** that may be issued for any component of the development. This bond is to carry over as a "floating bond" for each phase of the construction of the development, payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the approved development and ensuring Council standards and specifications are complied with.

The bond will be considered for refund by the Engineering Services Division when an application for the final occupancy of the development is approved. Costs for any damage that has occurred to Councils' infrastructure and repaired by Council will be deducted from the bond to cover repair construction costs. An initial fee of **\$5000** and then thereafter an ongoing annual fee (dated from the lodgement of the damage deposit) of **\$5000** shall be deducted from the bond to cover ongoing inspections by Council's Officers.

2.14 Tree Protection Bond

The proponent will provide Council with a Tree Protection Bond of \$60,000 **prior to the issue of any Construction Certificate**. This bond is to carry over as a "floating bond" for each phase of the construction of the development. This bond (or a proportion of the bond as applicable) will be reimbursed upon the completion of the development if no damage is caused to any hollow bearing tree that is required to be retained. Council will retain \$5,000 from the bond for negligent or deliberate damage caused to each hollow bearing tree that is to be retained.

2.15 Bushfire

The following fire protection measures being provided in accordance with the Rural Fire Service requirements. Details are to be submitted to and approved by the Certifying Authority **prior to the issue of a construction certificate for each phase** of the development (excluding bulk earthworks):

1. Access within the site shall comply with the requirements for Public Road Access as outlined within Section 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
2. Asset Protection Zone (APZ) requirements as depicted in Schedule 1 – Bushfire Prevention Measures – Seven Mile Beach by Conacher Travers dated July 2006 are to be provided in full for the development.
3. The recommendations of the Fuel Management Plan for Seven Mile Beach dated December 2004 (Amended December 2006) are to be carried out in full for the development.
4. Where the rear of the structure is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per AS2419.1 – 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
5. Construction of all buildings shall comply with Australian Standard AS3959-1999 'Construction of buildings in Bush Fire-prone areas'. The level of construction for each building is to be in accordance with the level depicted in Schedule 1 – Bushfire Prevention Measures – Seven Mile Beach by Conacher Travers dated July 2006.

The applicant shall provide a statement of compliance, from a suitably qualified person, **prior to the issue of an Occupation Certificate for each completed phase**.

Subdivision Conditions (civil works)

2.16 Application for public engineering works permit

Prior to the issue of a Construction Certificate for each associated civil works phase of the development, detailed design plans must be submitted with an Application for a "Public Engineering Works Permit" (PEWP) and must be approved by the Director of Engineering Services and the RTA prior to the commencement of any engineering works. The licensed contractor is to have all engineering works inspected as per Council's holding points with Council's Inspector and the applicant's nominated superintendent and all work including any road dedication/acquisition is to be at the Proponents expense and must comply with Council's Engineering guidelines, specifications and standards.

Included in the engineering works are to be the following:

1. Prior to the issue of a Subdivision Certificate for Phase 1 and an Occupation Certificate for Phase 2 building works, the proponent shall construct an intersection to service the new National Park access road at its intersection with The Lakes Way shall be designed and constructed to the requirements and approval of the RTA and Council and in accordance with
 - Ausroads Guide to Traffic Engineering Practice Part 5 Intersections at Grade;
 - RTA's Road Design Guide

Notes:

- The extent of the intersection works shall include:
 - associated street lighting (street lighting to minimise as far as practical, impacts on nocturnal fauna, including threatened arboreal species and threatened frogs);
 - associated line marking and reflectors;
 - Provide regulatory and advisory signage associated with the intersection and any other required associated signs;
 - Erect four white guide posts on the approach side and two white guide posts on the departure side of the driveway. The posts shall have suitable reflectors and constructed to Council's satisfaction
 - Signage shall be erected at the property entrance (within the development site) and again at the gated entrance to the National Park stating the times that the road will be open to the public and phone numbers for emergency services. Appropriate signage such as "changed traffic conditions – intersection closed except for emergency vehicles" or similar signage should be provided at the redundant intersection for both directions on The Lakes Way.
2. Construction of a one lane concrete roundabout (to accommodate a 12.5m truck) at the intersection of Road No 1 and the Lakes Way access to the development site from The Lakes Way, together with associated road works, concrete kerb and gutter, pedestrian refuges, stormwater drainage, line marking, street lighting and signposting etc;

The roundabout shall be constructed to Council's requirements and conditions and in general accordance with the RTA's publication "Roundabouts – Geometric Design Method" and the Ausroads "Guide to Traffic Engineering Practice Roundabouts Part 6" prior to the issue of a Subdivision Certificate for Phase 1 and an Occupation Certificate for Phase 2 building works.

The extent of the roundabout works shall include the construction of:

- A design speed of 80 Km/h for The Lakes Way, with sufficient deflection in accordance with the current Ausroads Standards.
- A central concrete island with suitable landscaping planting to Council's requirements and piped water supply/tap, landscaping to be weeded and watered over the PEWP maintenance period;
- Pedestrian refuges and pram ramps to be installed on the legs of the intersection (note: islands constructed with concrete with a textured stencil-crete brick finish (colour and pattern to be approved by Council));
- *Kerb and gutter along the extent of the new pavement for the roundabout, kerb returns and its approaches;*
- adjustment of any utility services;

- all necessary stormwater drainage;
 - revegetate the western side of The Lakes Way to Council's satisfaction; and
 - minimise the extent of vegetation and tree removal
 - Future provision of a bus bay and bus stop on eastern side of The Lakes Way (preferably south of the proposed roundabout and located outside any wildlife corridor) for the eventual relocation of the bus stop from within the development site is required.
3. Widen the eastern half of the road carriageway of The Lakes Way from the existing twin pipe culverts south of the proposed roundabout to the stormwater box culverts adjacent to the northern property boundary of the development site.

Minimum roadworks shall result in:-

- Minimum half road carriageway width -5.3 metre pavement; and
- Minimum half road sealed width – 4.4 metres sealed carriageway (i.e. 3.5 metre lane and 0.9m sealed shoulder).

This work is to be completed prior to the issue of an Occupation Certificate for Phase 12

4. Provide a bitumen sealed driveway (or alternatively concrete) across the nature reserve (footpath area) of The Lakes Way to service the proposed fire trails in accordance with a Rural Property Access - Figure 4.9.7 (preferred Option with Indented Access) of the RTA's Road Design Guideline Manual. Four (4) white guide posts on the approach side and two white guide posts on the departure side of the driveway are to be constructed. The posts shall have suitable reflectors and constructed to Council's satisfaction. This work is to be completed prior to the issue of an Occupation Certificate for Phase 2 in relation the northern fire trail and Phase 14 in relation to the southern fire trail.
5. Prior to the issue of a Construction Certificate for Phase 2 Civil works the proponent shall submit with the PEWP, details of the road pavement design and roundabout design prepared by suitably qualified geotechnical and engineering consultants for the road works in The Lakes Way. Any new pavement to be designed by a Geotechnical Engineer and constructed for a 50 year life span. New flexible pavement shall be surfaced with a two coat seal with a 14/7mm stone.
6. Prior to the issue of a Construction Certificate for Phase 2 Civil works the proponent shall submit a landscape plan detailing the proposed landscape treatment of all nature strips, in The Lakes Way.
7. Provide all associated road, regulatory and warning signs as in accordance with the relevant RTA guidelines and the Australian Standards including the roundabout and the new intersection of the access road to Booti Booti National Park and The Lakes Way. This is to be completed in accordance with the Phase 2 roadworks;
8. To coincide with the associated Phase 2 road works provide
- centre line marking with reflectors;
 - edge lane definition marking with reflectors along the eastern side of The Lakes Way
- from the northern property boundary of the development site to the existing twin pipe culverts south of the proposed roundabout (including line marking associated with the roundabout and the new access road to Booti Booti National Park intersection);
9. In association with the Phase 2 road works provide suitable safety barriers for the power poles and any other structure/object where they are located within the clear zone
10. Adjustment/ relocation of any utility services, footpath formation and turfing where required in association with the Phase 2 road works;
11. Gates for vehicle access to the fire trails at the property boundary should be located a minimum 15 metres from the edge of the road carriageway so that a single unit truck can park clear of the road carriageway, (in accordance with a Rural Property Access - Figure 4.9.7 (preferred Option with Indented Access) of the RTA's Road Design Guideline Manual). The gates are to be installed at the same time as the associated road works are undertaken;

12. The proposed development should be designed such that road traffic noise from The Lakes Way is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise).

The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments. This is to be completed prior to the issue of an Occupation Certificate for Phase 10, 12 and 14 building works (i.e. The Forest and The Palms Precincts)

13. Prior to the release of a Construction Certificate for Phase 2 civil works a detailed concept road design plan of the new intersection with the access road to Booti Booti National Park and the proposed roundabout, the road widening and including the stormwater drainage upgrade along The Lakes Way shall be submitted to the RTA for review and comment, prior to the submission of detailed road design plans being submitted to the RTA for concurrence and Council for consent.
14. Stormwater drainage - all necessary pits and pipes are to be installed at the same time as the associated road works
15. The Lakes Way stormwater drainage culvert immediately to the north of the site and the existing twin pipe culverts south of the proposed roundabout (including inlet and tailout drains) to be capable of discharging the 1 in 100 year flood (so that there is no overland flow across the Lakes Way for the 1 in 100 year flood) and construct safety railings to comply with RTA guidelines for structures within clear zones. The twin culverts south of the proposed roundabout shall be upgraded prior to the issue of a Subdivision Certificate for Phase 1 and the Occupation Certificate for Phase 2 Building Works whilst the stormwater culvert immediately north of the site shall be upgraded prior to the issue of an Occupation Certificate for Phase 12.
16. Trees or vegetation are not to be removed from The Lakes Way road reserve without Council approval.
17. Submission of a Works as Executed plan of all works constructed within the Council road reserve at the same time as the completion of the associated works and an overall completion plan at the completion of the civil works to the Lakes Way (prior to the issue of a final Occupation Certificate for Phase 12).
18. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.

2.17 The Lakes Way Street Lighting

Prior to the release of Public Engineering Works Permit for civil works phases of the development that include works related to The Lakes Way, the proponent shall provide details of all street lighting to be installed at the proposed roundabout and the proposed intersection with the new National Parks access road and The Lakes Way.

The street lighting must be:

- Designed in accordance with Australian Standards *AS1158 – 2005: Lighting for Roads and Public Spaces*, the RTA, Council and Country Energy requirements (impacts on nocturnal fauna are to be minimised as far as possible);
- Installed according to the road classification (The Lakes Way is classified as a distributor road).

The proponent shall seek to obtain and submit to Council a letter from Country Energy stating that:

- The works as described above have been carried out to their requirements and satisfaction; and
- All electricity cables/wires to service the development site and located across the road carriageway and/or the Council nature reserves (i.e. footpath area) are located underground in suitable ducting.

2.18 Internal site lighting

The internal street lighting shall be designed and constructed in accordance with Australian Standard *AS1158 – 2005: Lighting for Roads and Public Spaces* so as to limit impacts on nocturnal fauna as far as possible. Details prepared by an appropriately qualified person are to be submitted and approved **prior to the issue of a Construction Certificate for each civil works phase** of the development.

2.19 Off-site impacts – stormwater

Prior to the issue of the **Construction Certificate for Phase 9** of the development, the following details for the stormwater drainage must be submitted to and approved by Council:

1. Investigate and determine the stormwater drainage overflow path from Lot 233 DP 1062852.
2. A computer model (i.e. RAFTS or equivalent) undertaken by a suitably qualified and experienced engineer that determines the stormwater drainage runoff for the existing, and the developed site conditions. The stormwater runoff shall not be increased for the range of storms up to and including the 1 in 100 year storm.

Note: Should the 'Rafts Stormwater Study' as submitted with the Environmental Assessment Report dated December 2006 be proposed to be submitted, the following details shall be revised/amended:

- *For the internal development site works:*
 - Model the burrow pit as a detention/infiltration basin using the existing pipelines that drains this portion of the site. **Note:** the measured groundwater levels and "free water" areas will need to be adjusted accordingly;
 - Adjust the flow velocities (as required) from 1.5 m/s between nodes for the existing ARIs;
 - Apply different initial and continuing losses of this catchment area for the burrow pit/sand ridge areas (50 mm & 10 mm/hr) and lower lying silty clay areas.
- For the external development site construction works input parameters to include:-
 - a. sand quarry and Booti Booti National Park:
 - the existing runoff from the sand quarry;
 - review the total area (needs to be increased)
 - the overland flow path within the sand quarry including:
 - i. the twin 375 mm diameter culverts that drain under Sweet Pea Road;
 - ii. possible stormwater detention area within the sand quarry (as a result of the restrictions of the twin 375 mm diameter pipelines)
 - b. investigate the surface drainage from the adjacent sewage treatment works;
 - c. adjust the 1.5 m/s flow velocities between nodes to suit the various ARIs for the existing runoff
 - d. apply different initial and continuing losses for the sand ridge areas (50 mm & 10 mm/hr) and lower lying silty clay areas.

Calculations must be provided which demonstrate that the proposed culvert upgrade of The Lakes Way has the capacity to drain the 1:100 year flood without overtopping the road carriageway.

2.20 Stormwater design details

Design details for the on-site detention/disposal system for stormwater with an overland surcharge path to Council's culverts under The Lakes Way being must be submitted and approved by the Certifying Authority, **prior to the issue of a Construction Certificate for each associated civil works phase of the development (excluding the bulk earthworks).**

The system is to be designed generally in accordance with DCP 40 and Hydraulic Stormwater Master Plan by Boyden and Partners, drawing PP-RS-H dated 16 January 2006. The system must be designed to ensure that the maximum outflow from the developed site is less than or equal to the maximum outflow of the undeveloped site for a range of storms up to an ARI of 100 years.

Prior to the final inspection for each Civil Works Phase and the completed development, a Works-as-Executed Plan that has been certified by the Engineer or surveyor, certifying that the works have been constructed in accordance with the approved drainage plans and in a workmanship manner, is to be submitted to Council.

The Engineer or Surveyor shall have qualifications that are acceptable for membership of the Institution of Engineers and Surveyors, Australia. Stormwater from the site shall be graded and drained to discharge to the culverts under The Lakes Way adjacent to the development site. The engineering drawings shall detail the location and configuration of any overflow weirs, drainage system inlets and signs (to warn people of the depth of the stormwater detention).

2.21 Bioretention system

Prior to the issue of a **Construction Certificate** for each civil works phase of the development detailed plans of the bioretention system are to be submitted and approved by Council. The plans must address the following matters:

1. The stormwater quality management system proposed for the development shall meet the water quality objectives specified in the *Forster Tuncurry & Wallis Lake Stormwater Management Plan* (dated 2nd April 2000) involving all new developments shall achieve a no net increase in nutrients;
2. The frequency of volumetric surface discharge from the site under the developed conditions shall not exceed that for the existing condition for up to and including a three (3) month recurrence interval
3. MUSIC modelling of the final design of the stormwater management measures shall be undertaken and the results submitted to and approved by Council prior to the first Construction Certificate for each phase of the development. **Note:** due to the proposed application of recycled water, it is considered appropriate that MUSIC modelling use the default nutrient loadings given offset provided by the use of native landscaping and by fertiliser management planned for the development.
4. A groundwater assessment shall be undertaken by a geotechnical consultant with expertise in hydrogeology immediately following the completion of the MUSIC model to prove that increased infiltration within the site will not impact on buildings and other infrastructure (including stormwater management measures). The results of the groundwater assessment shall be submitted to and approved by Council prior to the first Construction Certificate for each phase of the development.
5. The MUSIC modelling undertaken pursuant to Condition 3 shall demonstrate to the Council prior to the commencement of work for each individual development stage that the water quality and quantity objectives for the site will be achieved for each individual development stage, and the method of achievement shall be applied in the construction of the development. With regard to the requirements outlined above, the stormwater management objectives for the development must be as close as practically possible for each development stage whilst ensuring the criteria for the overall development are achieved.
6. Stormwater shall be directed into appropriate stormwater management measures close to the source of that stormwater.

2.22 Stormwater and groundwater monitoring plan (SGMP)

1. To ensure compliance with the Stormwater Strategy, a stormwater and groundwater quantity and quality monitoring plan ("SGMP") shall be submitted and approved by Council **prior to the issue of a Construction Certificate for Phase 2** of the development which outlines:
 - the field testing/laboratory methods and measuring instruments proposed to quantify the performance of the installed stormwater management measures.
 - how the measurements will be analysed and compared with the site objectives/targets.
 - provide for water quality to be measured in terms of TSS, TN, TP and pH.
2. The SGMP shall also address and provide a means of reporting to the Council on the following:
 - the performance of the bioretention measures;
 - groundwater quality and levels; and
 - surface water quality.
3. The SGMP shall incorporate into the development the following monitoring equipment and measures:
 - a. Periodic inspection (e.g. after 25mm of rainfall or every six (6) months minimum) of the largest installed roof water infiltration cell in each stage be undertaken one day after significant rainfall to ensure that infiltration is still occurring.
 - b. Bioretention saturated hydraulic conductivity testing involving in-situ testing of the largest bioretention measure within the site is to occur every two years during winter to

confirm that the design saturated hydraulic conductivity of 150mm continues to be achieved. The testing is to be carried out in accordance with Australian Standard AS4419-2003.

- c. Water quality monitoring that includes as a minimum:
- Groundwater assessment at a minimum of six (6) sites evenly distributed across the site
 - Surface water monitoring at a minimum of five (5) sites, distributed across the site including outlet, northern and southern wetland and within a selected bioretention system
 - Frequency of monitoring a minimum of four (4) events per year with a minimum of two (2) events to be after significant rainfall (e.g. 25mm in 24 hours). This is to commence immediately to enable the further establishment of baseline monitoring.
 - The minimum period of monitoring shall continue for five (5) years after the issue of the final occupation certificate.
 - Subsequent to the annual monitoring (in the winter months) shall be undertaken for a further five (5) years.
 - Testing is to be undertaken by a NATA registered laboratory.

2.23 Operation and Maintenance Management Plan

1. An operation and maintenance plan ("OMP") shall be prepared for the stormwater quality and quantity management system for the development **prior to the issue of a Construction Certificate for Phase 2 of the development.** The plan shall outline the tasks and responsibilities for operating and maintaining that system and shall as a minimum include the following key elements:
 - a. Inspections and maintenance activities performed;
 - b. Details of any bioretention media or planting replacement;
 - c. Bioretention saturated hydraulic conductivity testing results from the following testing:
 - The requirement to undertake in-situ testing of the largest bioretention measure within the site every two years during winter to confirm that the design saturated hydraulic conductivity of 150mm continues to be achieved.
 - Methods to improve the saturated hydraulic conductivity in the event that field testing or observations indicate that the saturated hydraulic conductivity falls below 150mm/hr.
 - d. Repairs/replacements/modifications undertaken;
 - Water quality and quantity monitoring results;
 - Analysis of the system performance against strategy estimates;
 - Proposed modifications to the operation/maintenance plan.
2. The OMP shall be consistent with the recommendations and guidelines for stormwater management measures within the publication, WSUD Engineering Procedures, Melbourne Water 2005 or approved equivalent documentation.
3. *The Operation and Maintenance of the stormwater treatment strategy shall be reported to Council on an annual basis (for the life of the development) within 3 months of the end of the year to which the report relates.*
4. The bioretention measures for the development shall ensure that the design 100 year ARI overland flow can pass safely through the development and without scouring of the bioretention measures.
5. Contingency plans that:
 - Identify and trigger mechanisms/actions if the predevelopment condition levels are exceeded and procedures for action to mitigate the effects (this shall include remediation actions and communication strategies for events that have the potential to contaminate the aquifer)

- Prohibit activity that poses a pollution risk to groundwater aquifers;
 - Establish a maintenance and groundwater monitoring network/reporting program (for construction and operational stages) linked to the contingency plan;
 - Plan preparation and associated reporting responsibilities that clearly identify monitoring, assessment and implementation of contingency arrangements, water quality restoration work, ongoing maintenance and procedures etc.
6. The contingency plan and the monitoring results (within two (2) months of the monitoring test) are to be kept and maintained by the proponent/ body corporate and made available to Council, Consent Authority and to the NSW Department of Water and Energy on request.

Residential Flat Development, Commercial Development & Dwelling Houses Conditions (building works)

2.24 Section 94 Contributions

In accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*, a monetary contribution shall be paid to Council **prior to the issue of a Construction Certificate for Phase 15A (The Cove) and Phase 16B (The Point)**. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following tables:

Contributions Payable for Phase 15A – The Cove

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	81.2	persons @	\$63.77 =	\$5,178.40
GLW-07	Great Lakes Wide	Headquarters Building	81.2	persons @	\$191.72 =	\$15,567.81
GLW-05	Great Lakes Wide	s94 Admin	81.2	persons @	\$50.57 =	\$4,106.60
GLW-01	Great Lakes Wide	Rural Fire Fighting	81.2	persons @	\$545.21 =	\$44,271.41
FD04	Forster District	Major Roads Inner Zone	186	addl one way trips @	\$485.20 =	\$90,247.01
FD03	Forster District	Aquatic Centre	81.2	persons @	\$118.42 =	\$9,616.07.62
FD01	Forster District	Forster and Cape Hawke SLS	81.2	persons @	\$28.84 =	\$2,341.73
FD07	Forster District	Library Facility	81.2	persons @	\$429.15 =	\$34,846.78
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	81.2	persons @	\$579.41 =	\$47,047.88
Total						\$253,223.69

Contributions payable for Phase 16B – The Point

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	152	persons @	\$63.77	= \$9,693.56
GLW-07	Great Lakes Wide	Headquarters Building	152	persons @	\$191.72	= \$29,141.72
GLW-05	Great Lakes Wide	s94 Admin	152	persons @	\$50.57	= \$7,687.24
GLW-01	Great Lakes Wide	Rural Fire Fighting	152	persons @	\$545.21	= \$82,872.59
FD04	Forster District	Major Roads Inner Zone	386	addl one way trips@	\$485.20	= \$187,286.81
FD03	Forster District	Aquatic Centre	152	persons @	\$118.42	= \$18,000.54
FD01	Forster District	Forster and Cape Hawke SLS	152	persons @	\$28.84	= \$4,383.54
FD07	Forster District	Library Facility	152	persons @	\$429.15	= \$65,230.43
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	152	persons @	\$579.41	= \$88,069.92
Total						\$492,366.35

The contribution rates are subject to indexation. The rates shown above are applicable until 30 June 2009. **Payment made after 30 June 2009 will be at the indexed rates applicable at that time.**

The Contribution Plans and the Standard Schedule for Section 94 Plans may be viewed on Council's web site www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

2.25 Design Verification Statement

Prior to the issue of a Construction Certificate for the residential flat buildings in The Cove and The Point Precincts (Phase 15 and 16), the Proponent shall submit to the Principal Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

2.26 Dewatering

Prior to the issue of a Construction Certificate for Phases 15 and 16 (i.e. "The Cove" and "The Point" developments), documentary evidence that the NSW Department of Water and Energy (DWE) has granted a licence under Part 5 of the *Water Act 1912* for the **temporary** dewatering of bore/s during the construction of the proposed basement car park, lift wells and monitoring wells is to be provided. Following this documentation, installation of groundwater monitoring wells shall be constructed.

The following details/actions are to be submitted and approved by DWE and Council prior to the issue of any Construction Certificate where any dewatering is to take place. No dewatering is permitted prior to approval of these details:-

- a) On completion of the basement car parks and lift wells, there shall not be a direct/permanent connection to the groundwater aquifer (groundwater is not to be directly exposed to the atmosphere). For the construction phase of any areas where the basement or lift well intercepts the groundwater, the means of reinjecting the extracted groundwater within the development

site and that the resultant dewatering of the development site must not adversely affect the groundwater (e.g. by oxygenating the water, injecting or reinjecting pollutants etc or downstream receiving waters;

- b) Water extraction from the monitoring wells is to be used for sampling as required by DWE; and
- c) Dewatering of the site is to be carried out to ensure that any discharge to the environment complies with the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* and *Safe Food for Oyster Production*. The water to be discharged shall be tested for physical, chemical and biological parameters in order to determine that the water complies with the above guidelines. Dewatering of the site cannot commence until such time as the water complies with the above guidelines. Water testing is to be carried out throughout the time that dewatering is being undertaken.

2.27 Dewatering details

Prior to the issue of a Construction Certificate for Phases 15 and 16 (i.e. "The Cove" and "The Point" Precincts) and any proposed structures/pools over 1 metre below the natural surface level, a report prepared by a suitably qualified Geotechnical or Hydrological engineer/s shall be submitted and approved by the Certifying Authority.

This report must include design details and/or recommend any requirements for: -

- a water table that will occur during a 1 in 100 year flood event;
- tanking and waterproofing any affected basement carpark and structures/pools up to the 1 in 100 groundwater level with structural stability of the building for the PMF;
- For any underground basement carpark (including the lift well) or structure (e.g. pool), a suitable permanent and maintainable drainage medium located around and under the building/structure (e.g. possibly incorporated directly behind the basement retaining walls and slab) so that the flow of a range of groundwater conditions (maximum and minimum levels) is not affected or dammed.

Any recommendations by the Geotechnical Engineer (e.g. tanking of the car park and lift wells to a suitable level and the provision of a suitable medium under the development) are to be incorporated in the approved Construction Certificate plans.

A Structural Engineer and/or Geotechnical Engineer shall inspect and certify that the tanking, waterproofing and medium has been carried out to in accordance with the approved plans, the recommendations by the Geotechnical Engineer and to an acceptable standard. A copy of the certification is to be forwarded to Council.

2.28 BASIX Certificate Requirements

All specifications outlined in the *BASIX Certificate Nos. 121588M, 124178M and 123297M* to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development. The Proponent shall submit to the Certifying Authority all relevant documentation demonstrating compliance with the requirements of this condition **prior to issue of a Construction Certificate for each associated building works phase.**

2.29 Dwelling design

Dwellings on Lots 7.03 & 7.08 shall be amended to comply with the setback requirements of Clause 9.5 in *Development Control Plan 40 – Seven Mile Beach*. Amended plans are to be submitted to and approved by the Certifying Authority **prior to the issue of the Construction Certificate for Phase 14 Building Works** of the development

2.30 Dwelling Construction

All dwellings within The Crest, The Forest, The Palms, The Dunes and The Fronds are to be in accordance with the approved plans and DCP 40 – The Lakes Way Seven Mile Beach. Details are to be provided to the Certifying Authority **prior to the issue of the Construction Certificates for each phase.**

2.31 Dwelling floor levels

Details are to be submitted to and approved by the Certifying Authority **prior to the issue of the Construction Certificate for each building works Phase** of the development in relation to the minimum habitable floor level for the residential development. These levels shall be the higher of the following:-

- RL 3.50 AHD;
- 1.0 metres above the minimum measured groundwater level as determined; or
- Where the building /dwelling is located adjacent to an overland stormwater flow path, a minimum of 500 mm above the adjacent top water surface level of that 1 in 100 year flow path.

2.32 Car Parking – Residential Flat Buildings

The maximum number of car spaces to be provided for the residential flat development ("The Cove" and "The Point") shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate for building works in The Point and The Cove Precincts.**

Car parking allocation	Number
Residential Car parking spaces	304
Minimum number of residential car spaces to be disabled spaces	9
Visitor Spaces	81
Minimum number of visitor car spaces to be disabled spaces	8
Number of service vehicle spaces	4
TOTAL PARKING SPACES	406

2.33 Car park and service vehicle layout

The layout of all car parking, loading and unloading facilities on the site shall comply with Australian Standard AS2890.1: 2004 Parking Facilities Part 1: Off Street Parking. All spaces are to be line marked. The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 2002 Off Street Parking Part 2 – Commercial Vehicle Facilities. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate for buildings in The Point, The Cove and The Boardwalk Precincts.**

2.34 Basement access – The Cove and The Point

The access ramps into the residential flat buildings are to comply with the safe sight distances and scraping provisions of AS/NZS2890.1. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate for building works in The Point and The Cove Precincts.**

2.35 Height of Residential Flat Buildings

Prior to the issue of a **Construction Certificate for building works in The Point and The Cove Precincts**, the Proponent shall submit to the Certifying Authority a Height Verification Statement from a qualified designer, verifying that:

- a) The building shall have a maximum height of no more than RL 24.100; and
- b) All structures such as lift overruns and vents must be contained within the maximum approved height of RL 24.100.

2.36 Disabled access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the

BCA. A certificate of compliance shall be provided to the Certifying Authority from an appropriately qualified person certifying compliance with this condition **prior to the issue of a Construction Certificate for Phases 2 (in respect of the buildings in the Boardwalk precinct), 15A, 16A and 16B Building Works.**

2.37 Car washing facilities

A carwash area for **each Residential Flat Building** in 'The Cove' and 'The Point' precincts are to be provided for resident use. This bay is to be graded to a separate pit with collected wastewater being passed through a grease and oil separator. Treated water shall then be pumped into MidCoast Water's sewer. The carwash design is to be submitted to and approved by MidCoast Water and Council **prior to the issue of a Construction Certificate for Phases 15A, 16A and 16B Building Works.**

2.38 Mechanical ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards *AS1668.2: The use of Ventilation and Air-conditioning in buildings* and *AS3666: Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate for Phases 16A and 16B of the development.**

2.39 Number of Bicycle Spaces

A minimum of 30 bicycle spaces are to be provided for The Point, The Cove and The Boardwalk Precincts. Details shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of Construction Certificate for the building works associated with these phases.** All bicycle racks are to be installed **prior to the issue of the Occupation Certificates for The Point, The Cove and The Boardwalk precincts.**

2.40 Driveway Gradients

Prior to the release of the construction certificate for each building works Phase, the proponent shall submit evidence that the:-

- a) Driveway gradients for the:-
 - Dwellings - will comply with Council's Steep Driveway Policy or Australian Standard *AS2890.1: Parking facilities—Off-street car parking*; and
 - Commercial/residential unit developments will comply with Australian Standard *AS2890.1: Parking facilities—Off-street car parking.*

Note that a low level driveway where it intersects the road shall be designed so that street stormwater and overland flows will be directed along the road and not down the driveway/s.
- b) Sight distance for drivers of vehicles, when entering or exiting the driveways of the developments, will comply with Australian Standard AS 2890.1

2.41 Pool design

The swimming pools on proposed Lots 2.20, 2.22 and 2.24 within 'The Dunes' Precinct are to be redesigned to include a 1.5m setback from the rear boundary in accordance with the requirements of DCP 40. Amended plans are to be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate for Phase 4 Building Works.**

2.42 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate for each Building Works Phase.**

3. PRIOR TO THE COMMENCEMENT OF WORK

3.1 Telephone number

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

3.2 Site fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place **prior to the commencement of any demolition, excavation or building works for each phase of the development** and be maintained throughout construction.

3.3 Toilet facilities

Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and where possible be connected to MidCoast Water's sewer. If connection to sewer is not possible arrangements are to be made for the disposal of toilet waste to the satisfaction of Council. The provision of toilet facilities in accordance with this clause must be completed **prior to the commencement of any work on site for each phase of the development**.

3.4 Home Building Act 1989

Prior to the commencement of any work on site for each building phase of the development, building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifying Authority:

- a) In the case of work to be done by a licensed contractor:
 - (i) has been informed in writing of the licensee's name and contractor number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act (in relation to insurance policies); or
- b) In the case of work to be done by any other person:
 - (i) has been informed of the person's name and owner-builder permit number; or
 - (ii) has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.

3.5 Notice to be given prior to excavation

The Principal Certifying Authority and Council shall be given written notice, at least 48 hours **prior to the commencement of excavation, shoring or underpinning works** on the site for each phase of the development.

3.6 Structural Details

Prior to the commencement of building works for each phase of the development, the Proponent shall submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- 1. The relevant clauses of the BCA,
- 2. The relevant development approval,
- 3. Drawings and specifications comprising the Construction Certificate, and
- 4. The relevant Australian Standards listed in the BCA (Specification A1.3)

3.7 Public utilities

Prior to the commencement of work for each phase of the development, a public utility impact assessment shall be carried out on all public utility services on the site, or adjacent roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

The applicant must meet the full cost for the adjustment/repair/relocation of any public authority services (e.g. Telstra, Optus, Country Energy, MidCoast Water etc) as required as a result of the development and associated road works. The applicant must make the necessary arrangements with the public authority.

3.8 Compliance report

Prior to the commencement of work for each phase of the development, the Proponent, or any party acting upon this approval, shall submit to the Principal Certifying Authority a report addressing compliance with all relevant conditions of this Part.

4. DURING CONSTRUCTION

4.1 Erosion and sediment control

All erosion and sediment control measures, as designed in accordance with the erosion and sediment control plan, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each phase of the development and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment

4.2 Setting out of structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. A registered surveyor shall submit a plan/certificate to the Principal Certifying Authority to verify that all structural works are in accordance with this approval for each building works phase of the development

4.3 Approved plans to be on site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department of Planning, Council or the Principal Certifying Authority.

4.4 Site notice

A site notice(s) shall be prominently displayed for each phase of the development, at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

1. Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
2. The notice is to be durable and weatherproof and is to be displayed throughout the works period;
3. The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
4. The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

4.5 Protection of trees – street trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

4.6 Protection of trees – onsite trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

4.7 Tree clearing techniques

If any tree to be removed is a hollow-bearing tree, the tree will be felled by lowering using machinery after being shaken by that machinery in the presence of the Project Ecologist. The Project Ecologist shall document the number of hollows, the details on any fauna occupancy of hollows and management actions implemented. The Project Ecologist will inspect each hollow present on the felled tree. Native fauna species encountered during the tree clearing operation are to be captured by the Project Ecologist and, if injured, shall be subject to appropriate welfare or if uninjured will be appropriately held until dusk and then released within the area of the Conservation Zones. All hollows found to be

occupied or with evidence of former occupation by fauna will be modified (i.e. a back shall be attached to the hollow) and the hollow shall be re-erected into the area of the Conservation Zones at the direction of the Project Ecologist

4.8 Works in vicinity of retained vegetation

The proponent must undertake all building and civil works in the vicinity of vegetation to be retained in accordance with the relevant management plans and must be supervised by the Project Ecologist.

4.9 Dust control measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction of all phases of the development. In particular, the following measures must be adopted:

1. Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
2. All materials shall be stored or stockpiled at the best locations,
3. If required, the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
4. All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
5. To ensure vehicles do not track sediment onto public roads, suitable measures are to be provided to ensure all vehicle wheels are cleaned before exiting the site (e.g. shaker grids or manual/automated sprayers or drive-through washing bays).

4.10 Hours of work

The hours of construction for all phases of the development, including the delivery of materials to and from the site, shall be restricted as follows:

- between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- between 7:00 am and 7:00 pm, Saturdays;
- no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

1. The delivery of materials is required outside these hours by the Police or other authorities;
2. It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
3. The work is approved through the Construction Noise and Vibration Management Plan; and
4. Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

4.11 Construction noise

Noise associated with the development must not be a source of offensive noise at the nearest affected residence for all phases of the development.

"Offensive noise" means noise:

1. *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
 - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
2. *That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.*

4.12 Vibration criteria

Vibrating compaction rollers must not be used during construction of any phase of the development unless it can be demonstrated that there will be no impact upon adjoining or nearby properties.

Vibration caused by construction at any residence or structure on or outside the subject site must be limited to:

1. For structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
2. For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

4.13 Recycling of concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

4.14 Compliance report

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

4.15 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works for each phase of the development. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

4.16 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the Building Legislation Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,

- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

4.17 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.

4.18 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

5. PRIOR TO ISSUE OF PHASE SUBDIVISION CERTIFICATES

5.1 Section 94 Contributions

In accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*, a monetary contribution shall be paid to Council **prior to the issue of a Subdivision Certificate for each Phase** of the development listed below. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following tables:

Phase 1 – Creation of Super lots 2 to 11 and lots 12–42

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	72	persons @	\$63.77 =	\$4,591.69
GLW-07	Great Lakes Wide	Headquarters Building	72	persons @	\$191.72 =	\$13,803.97
GLW-05	Great Lakes Wide	s94 Admin	72	persons @	\$50.57 =	\$3,641.32
GLW-01	Great Lakes Wide	Rural Fire Fighting	72	persons @	\$545.21 =	\$39,255.44
FD04	Forster District	Major Roads Inner Zone	270	addl one way trips@	\$485.20 =	\$131,003.73
FD03	Forster District	Aquatic Centre	72	persons @	\$118.42 =	\$8,526.57
FD01	Forster District	Forster and Cape Hawke SLS	72	persons @	\$28.84 =	\$2,076.41
FD07	Forster District	Library Facility	72	persons @	\$429.15 =	\$30,898.63
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	72	persons @	\$579.41 =	\$41,717.33
Total						\$275,515.09

Phase 3 – Lots 2.02 to 2.24

Code	Contributions Plan	Facility	quantity	Unit	rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	52.8	persons @	\$63.77 =	\$3,367.23
GLW-07	Great Lakes Wide	Headquarters Building	52.8	persons @	\$191.72 =	\$10,122.91
GLW-05	Great Lakes Wide	s94 Admin	52.8	persons @	\$50.57 =	\$2,670.54
GLW-01	Great Lakes Wide	Rural Fire Fighting	52.8	persons @	\$545.21 =	\$28,787.32
FD04	Forster District	Major Roads Inner Zone	198	addl one way trips@	\$485.20 =	\$96,069.40
FD03	Forster District	Aquatic Centre	52.8	persons @	\$118.42 =	\$6,252.82
FD01	Forster District	Forster and Cape Hawke SLS	52.8	persons @	\$28.84 =	\$1,522.71
FD07	Forster District	Library Facility	52.8	persons @	\$429.15 =	\$22,658.99

FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	52.8	persons @	\$579.41	=	\$30,592.71
Total							\$202,044.40

Phase 5 – Lots 3.02 to 3.33

Code	Contributions Plan	Facility	Quantity	Unit	Rate		Amount
GLW-04	Great Lakes Wide	Library Bookstock	76.8	persons @	\$63.77	=	\$4,897.80
GLW-07	Great Lakes Wide	Headquarters Building	76.8	persons @	\$191.72	=	\$14,724.24
GLW-05	Great Lakes Wide	s94 Admin	76.8	persons @	\$50.57	=	\$3,884.08
GLW-01	Great Lakes Wide	Rural Fire Fighting	76.8	persons @	\$545.21	=	\$41,872.46
FD04	Forster District	Major Roads Inner Zone	288	addl one way trips@	\$485.20	=	\$139,737.31
FD03	Forster District	Aquatic Centre	76.8	persons @	\$118.42	=	\$9,095.01
FD01	Forster District	Forster and Cape Hawke SLS	76.8	persons @	\$28.84	=	\$2,214.84
FD07	Forster District	Library Facility	76.8	persons @	\$429.15	=	\$32,958.54
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	76.8	persons @	\$579.41	=	\$44,498.49
Total							\$293,882.77

Phase 7 – Lots 4.02 to 4.20

Code	Contributions Plan	Facility	Quantity	Unit	Rate		Amount
GLW-04	Great Lakes Wide	Library Bookstock	45.6	persons @	\$63.77	=	\$2,908.06
GLW-07	Great Lakes Wide	Headquarters Building	45.6	persons @	\$191.72	=	\$8,742.52
GLW-05	Great Lakes Wide	s94 Admin	45.6	persons @	\$50.57	=	\$2,306.17
GLW-01	Great Lakes Wide	Rural Fire Fighting	45.6	persons @	\$545.21	=	\$24,861.77
FD04	Forster District	Major Roads Inner Zone	171	addl one way trips@	\$485.20	=	\$82,969.03
FD03	Forster District	Aquatic Centre	45.6	persons @	\$118.42	=	\$5,400.16
FD01	Forster District	Forster and Cape Hawke SLS	45.6	persons @	\$28.84	=	\$1,315.07
FD07	Forster District	Library Facility	45.6	persons @	\$429.15	=	\$19,569.13
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	45.6	persons @	\$579.41	=	\$26,420.98

Total **\$174,492.89**

Phase 9 – Lots 5.02 to 5.40

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	93.6	persons @	\$63.77 =	\$5,969.19
GLW-07	Great Lakes Wide	Headquarters Building	93.6	persons @	\$191.72 =	\$17,945.17
GLW-05	Great Lakes Wide	s94 Admin	93.6	persons @	\$50.57 =	\$4,733.72
GLW-01	Great Lakes Wide	Rural Fire Fighting	93.6	persons @	\$545.21 =	\$51,032.06
FD04	Forster District	Major Roads Inner Zone	351	addl one way trips@	\$485.20 =	\$170,304.85
FD03	Forster District	Aquatic Centre	93.6	persons @	\$118.42 =	\$11,084.54
FD01	Forster District	Forster and Cape Hawke SLS	93.6	persons @	\$28.84 =	\$2,699.34
FD07	Forster District	Library Facility	93.6	persons @	\$429.15 =	\$40,168.22
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	93.6	persons @	\$579.41 =	\$54,232.53
Total						\$358,169.62

Phase 11 - Lots 6.02 to 6.40

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	93.6	persons @	\$63.77 =	\$5,969.19
GLW-07	Great Lakes Wide	Headquarters Building	93.6	persons @	\$191.72 =	\$17,945.17
GLW-05	Great Lakes Wide	s94 Admin	93.6	persons @	\$50.57 =	\$4,733.72
GLW-01	Great Lakes Wide	Rural Fire Fighting	93.6	persons @	\$545.21 =	\$51,032.06
FD04	Forster District	Major Roads Inner Zone	351	addl one way trips@	\$485.20 =	\$170,304.85
FD03	Forster District	Aquatic Centre	93.6	persons @	\$118.42 =	\$11,084.54
FD01	Forster District	Forster and Cape Hawke SLS	93.6	persons @	\$28.84 =	\$2,699.34
FD07	Forster District	Library Facility	93.6	persons @	\$429.15 =	\$40,168.22
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	93.6	persons @	\$579.41 =	\$54,232.53
Total						\$358,169.62

Phase 13 – Lots 7.02 to 7.18

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	40.8	persons @	\$63.77 =	\$2,601.95
GLW-07	Great Lakes Wide	Headquarters Building	40.8	persons @	\$191.72 =	\$7,822.25
GLW-05	Great Lakes Wide	s94 Admin	40.8	persons @	\$50.57 =	\$2,063.42
GLW-01	Great Lakes Wide	Rural Fire Fighting	40.8	persons @	\$545.21 =	\$22,244.74
FD04	Forster District	Major Roads Inner Zone	153	addl one way trips@	\$485.20 =	\$74,235.45
FD03	Forster District	Aquatic Centre	40.8	persons @	\$118.42 =	\$4,831.73
FD01	Forster District	Forster and Cape Hawke SLS	40.8	persons @	\$28.84 =	\$1,176.64
FD07	Forster District	Library Facility	40.8	persons @	\$429.15 =	\$17,509.22
FOS-01	Open Space Forster and Tuncurry	Acquisition & Embellishment	40.8	persons @	\$579.41 =	\$23,639.82
Total						\$156,125.22

The contribution rates are subject to indexation. The rates shown above are applicable until 30 June 2009. Payment made after 30 June 2009 will be at the indexed rates applicable at that time.

The Contribution Plans and the Standard Schedule for Section 94 Plans may be viewed on Council's web site www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

5.2 Compliance report

Prior to the issue of a Subdivision Certificate for each phase of the development, the Proponent, or any party acting upon this approval, shall submit to the Certifying Authority, a report addressing compliance with all relevant conditions of this Part including:

- A Certificate of Compliance to verify that satisfactory arrangements have been made for the supply of telephone services to the development.
- A Certificate of Compliance from Country Energy being submitted to verify that satisfactory arrangements have been made and all payments finalised for the supply of electricity to the development.
- A Certificate of Compliance being received and a copy submitted to Council, from MidCoast Water. The Certificate of Compliance must state that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.

5.3 Deposited plans

Prior to the issue of a Subdivision Certificate for each building work phase of the development, subdivision plans prepared by a registered surveyor and suitable for registration with the Land Titles Office of NSW including any necessary Section 88B Instruments must be provided.

This includes Part lot 1 and super lots 2 to 11, inclusive of lots 12 to 42 inclusive. Council will not endorse restrictions as to user other than those required under these conditions. The plans of survey are to show connections to at least two survey control permanent marks where such exist in the vicinity

of the subdivision or where practical. Existing and proposed street names are to be shown on the plans.

5.4 Access

Documentary evidence is to be provided for each building work phase of the development demonstrating that easements for access have been created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, and service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*

5.5 Easements and restrictions to be registered

Prior to the issue of Subdivision Certificates for each building work phase of the development and Phase 1 Subdivision (creation of super lots 2 to 11 and lots 12 to 42 inclusive), details of the following easements and restrictions within the development site (at no cost to Council) are to be indicated on the final subdivision plan and copies of any respective Section 88B Instruments are to be submitted with the application for a subdivision certificate

- a) **Easements to drain sewerage** in favour of MidCoast Water over existing and necessary sewer mains and associated works;
- b) Drainage reserves over natural and artificial watercourses, **easements to drain stormwater** over existing and proposed channels, pipelines, overland flow (including where an overland flow path is required between properties) and associated works. The reserves/easements are to be created in favour of either:
 - (i) Council - where the associated upstream catchment area of the reserve/easement includes a public road, Council stormwater system etc;
 - (ii) Associated upstream lots that drain to the reserve/easement - where a public road or Council stormwater system is not included.
- c) **Right of carriageway** in favour of Great Lakes Council (or dedication of land for road widening purposes) along the development site Phase 12 frontage to The Lakes Way for a future cycleway if required.
- d) Restrictions-as-to-users for the **Asset Protection Zones** - A restriction as to user is to be created over the portion of any residential lot over which the Asset Protection Zones fall requiring the owner to maintain the Asset Protection Zone in perpetuity in accordance with the inner protection area requirements of the Rural Fire Service Standards for Asset Protection Zones document.
- e) Restrictions-as-to-users **restricting per ownership** - so that Cats and Dogs (other than "Assistance animals" as defined in the *Disability Discrimination Act 1992* for people with disabilities) will not be introduced, permitted or suffered within the development by residents, agents, or contractors at any time.
- f) Easement pursuant to Section 88A of the *Conveyancing Act 1919* for a **Right of Carriageway** across the site benefiting the Minister administering the National Parks and Wildlife Act 1974, who is the person, empowered to release, vary or modify this easement;
- g) Covenant (or similar) on the title to ensure **beach safety signage** is erected and maintained by the proponent in perpetuity.

Council is to be nominated on the plan of Subdivision as the sole party to modify or extinguish the restriction unless otherwise specified in the conditions.

5.6 Services

Prior to the issue of Subdivision Certificates for each building work phase of the development, documentary evidence that easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision have been created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919* is required.

5.7 Work-as-executed drawings

Prior to the issue of Subdivision Certificates for each building work phase of the development and a combination of all phases at the completion of the development, works-as-executed drawings for all engineering works are required to be submitted to the Principal Certifying Authority and Council. These drawings are to be in form of CAD files which include all lot and road boundaries, lot numbers and easements to the satisfaction of Council's GIS Officer.

5.8 Extension to Speed Restriction on The Lakes Way

Prior to the issue of a Subdivision Certificate for Phase 1, the extension to the existing 80Km/hr speed zone on The Lakes Way, north of the subject site to an appropriate distance to the south of the new Janie's Corner access road to the satisfaction of the RTA, must be in place **prior to the completion and operation of the roundabout and new intersection with Road 12 on The Lakes Way**. The speed zone signage shall be fully implemented in accordance with the RTA's instructions.

5.9 Amendment to Community Management Statement

Prior to the issue of the first phase Subdivision Certificate, Part Five of the Community Management Statement is to be amended to ensure that the Community Association undertakes:

1. Ongoing maintenance of the fire trails and the stormwater drainage system (including any barriers/screens bioretention ponds, open drains etc);
2. Monitoring of the stormwater and groundwater in accordance with the recommendations detailed in the approved Stormwater and Groundwater Management Plan (SGMP) and Operation and Maintenance Plan (OMP)

5.10 Subdivision Plan

The Plan of Subdivision shall not be registered in the Office of the Registrar-General, for subdivision works undertaken in each phase until:

- a) All contributions have been paid for the relevant phase;
- b) The subdivision works have been completed in accordance with the plans approved by MP 05_0125; and
- c) A Subdivision Certificate has been issued pursuant to S109C of the Act

5.11 Geotechnical Certification

Prior to the issue of a Subdivision Certificate for each civil phase and phases 15A, 15B, 16A and 16B of the development, certification from a Geotechnical Engineer certifying that excavation and filling has been undertaken in accordance with this approval is required.

5.12 Road Names

Street name signs shall be erected at the junction of all roads in the subdivision and street names as previously approved by Council's Engineering Services shall be adopted. Details are to be provided **prior to the issue of Subdivision Certificates for each civil phase** of the development.

5.13 Haulage Route Damage

Prior to the issue of a Subdivision Certificate for each civil phase of the development, the proponent is to restore, replace and/or reconstruct any damage to road pavement surfaces or street furniture on the haulage route(s) that is a result of construction works associated with the approved development.

5.14 Creation of Asset Protection Zone

Asset protection Zones in accordance with the inner protection zone requirements of the Planning for Bushfire Protection 2006 are to be created around each stage of the subdivision **prior to the release of the Subdivision Certificate for that stage**.

6. PRIOR TO THE ISSUE OF PHASE OCCUPATION CERTIFICATES

6.1 Proposed National Park Access Road (within the development site)

Prior to the issue of an Occupation Certificate for Phase 2 building works, certification from an appropriately qualified person is required certifying that the access road to the National Park has been constructed in accordance with the Deed of Agreement and generally in accordance with plans by Lidbury, Summers & Whiteman File No 0109, Issue D dated 19/03/07.

6.2 Completion of Civil Work

Prior to the issue of the Occupation Certificate for each Building Works Phase all associated roadworks, required internal car parking and manoeuvring areas are to fully line-marked and street lighting is to be installed.

6.3 Noise and Vibration Management Plan

Prior to the issue of a the Occupation Certificate for Phase 2 building works, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address the following matters:

- a) Identification of the specific activities that will be carried out and associated noise sources,
- b) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- c) The construction noise objective specified in the conditions of this approval,
- d) The construction vibration criteria specified in the conditions of this approval,
- e) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- f) Noise and vibration monitoring, reporting and response procedures,
- g) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- h) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- i) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- j) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- k) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- l) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Proponent shall submit a copy of the approved plan to the Council prior to commencement of work

6.4 Beach Safety

Prior to the issue of an Occupation Certificate for Phase 2 building works, the proponent shall prepare and implement a Beach Safety Management Plan which:

- a) Provides for the erection and on-going maintenance of safety warning signs on the boundaries of the site in locations that provide access to Seven Mile Beach for Seven Mile Beach warning users of the hazardous conditions and unpatrolled nature of the beach. The wording of this beach safety signage shall be developed in consultation with, and to the satisfaction of, Department of Environment and Climate Change's Great Lakes Area Manager;
- b) Provides for information standards (commensurate with hazard ratings) for use in promotional material.

6.5 BASIX Certification

Prior to the issue of the Occupation Certificates for each building work phase of the development, certification from an appropriately qualified consultant is required certifying that all requirements of the BASIX Certificates have been complied with.

6.6 Design Quality and Height

Prior to the issue of an Occupation Certificate for Phase 15 and 16 Building Works (The Cove and the Point Precincts), the Proponent shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that:

- 1) The project achieves the design quality detailed in the plans and specifications referred to in condition 2.25 of this approval, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.
- 2) The height of the building complies with Condition 2.35 of this approval.

6.7 Swimming Pools

Prior to the issue of an Occupation Certificate for each Building Works Phase, the swimming pool(s) for the particular phase are to be constructed to the following standards:

1. The swimming pools are to be fenced in accordance with the *Swimming Pool Act 1992*. Such fencing is to be erected prior to the pool being filled;
2. Temporary fencing is to be provided during construction of the swimming pool;
3. Backwash of the filter and other waste being discharged on the property so as to not affect any structures or adjoining properties;
4. Forty-eight hours notice in writing being submitted to the Principal Certifying Authority for a final inspection of the completed pool, and in this regard, the pool is NOT to be filled with water until the pool has been completed and consent for filling granted by an accredited certifier;
5. Prior to the use of the spa/pool, the principal contractor shall submit certification to Council or the principal certifying authority, certifying that the spa/pool installation complies with Australian Standard 1926.3-2003-Swimming Pool Safety "Water Reticulation Systems";
6. The motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system being sound insulated and/or isolated so as not to create an offensive noise to the occupants of the adjoining premises;
7. A warning sign is to be erected in a prominent position in the immediate vicinity of the swimming pool. The sign must be erected in accordance with the document entitled "Policy Statement No 9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio-Pulmonary Resuscitation" published by the Australian Resuscitation Council;
8. The proprietor of the swimming pool must ensure the pool is disinfected so that the following concentrations are maintained throughout the pool water:
 - Minimum free chlorine concentration - 1.0mg/L
 - Maximum total chlorine - 10.0mg/L
 - Maximum combined chlorine concentration - 1.0mg/L
 - pH - 7.2 to 8.0 pH units
 - alkalinity - maintain a total alkalinity of at least 80-200mg/L.or as modified by up-dated legislation or guidelines; and
9. The proprietor must provide and maintain on the pool premises testing equipment that is capable of accurately measuring, the required concentration of the disinfectant in use and the pH level. Measurements should be taken in the morning before use and at intervals no greater than four hours when the pool is in use.
10. Results gained must be registered in a logbook that is kept on the premises or as modified by up-dated legislation or guidelines.

6.8 Internal (development site) lighting

Site lighting shall be designed installed in accordance with Australian Standard AS1158 – 2005: *Lighting for Roads and Public Spaces* and so that impacts on nocturnal fauna including threatened arboreal species and threatened frogs are to be minimised as much as possible. A certificate from an independent qualified practitioner demonstrating compliance with these requirements shall be submitted to the Principal Certifying Authority **prior to the issue of the Occupation Certificate for each building works phase.**

6.9 Display of Street Numbers

Street numbers and the building name(s), if any, are to be clearly displayed at either end of the ground level frontages in accordance with Council's Urban Housing Numbering Policy, **prior to the issue of an Occupation Certificate for each building phase of the development** or commencement of the use.

6.10 Installation of Stormwater Treatment Devices

The proponent shall construct stormwater 'treatment devices' including landscaped open water bodies (that is, all structures that will convey stormwater runoff above the finished surface ground level, bioretention basin etc) as approved in the stormwater disposal/bioretention plans. The resultant stormwater 'treatment devices' for each Phase and for the final overall development shall be:

1. Constructed above the groundwater table as determined by the suitably qualified and experienced professional engineer (these open excavations/ water body features shall not directly intercept the groundwater aquifer, otherwise they are to be constructed with a suitable liner that has an impermeable layer); and
2. Designed and installed to remove any pollutants before stormwater runoff either exits the site or enters the groundwater to a level that is equal to or less than the pre-development receiving water/groundwater aquifer shall be equal to or better than the quality of the receiving water/groundwater).

Certification from an appropriately qualified consultant certifying that the installation of the stormwater treatment devices have been constructed in accordance with this approval is required **prior to the issue of an Occupation Certificate for each building phase of the development.**

6.11 Fire Safety Certificate

A Fire Safety Certificate shall be submitted to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval **prior to issue of any Occupation Certificate where fire safety measures are installed.** A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Principal Certifying Authority.

6.12 Mechanical Ventilation

Prior to the issue of an Occupation Certificate for the basement carparks (Phases 2, 15 and 16) a certificate from a suitably qualified person shall be submitted to the Principal Certifying Authority certifying the installation and performance of the mechanical ventilation system in accordance with:

1. The Building Code of Australia;
2. Australian Standard AS1668: *The use of Ventilation and Air-conditioning in buildings* and other relevant codes;
3. The development approval and any relevant modifications; and,
4. Any dispensation granted by the New South Wales Fire Brigade.

6.13 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority **prior to the issue of any Occupation Certificate and/or use of the premises for each 'building work' phase of the development.** A copy of the Certificate with an

electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

1. The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
2. The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

6.14 Work-as-executed Drawings

Details of the final design and work-as-executed drawings of the water quality devices are to be submitted to the Council at the completion and of each phase of the development and on final completion of the development, **prior to the issue of an Occupation Certificate for each phase of the development.**

6.15 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent **prior to the issue of the final Occupation Certificate.** Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

7. OPERATIONAL CONDITIONS

7.1 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the commercial premises within the Boardwalk, The Cove and The Point shall be carried out wholly within the site at all times.

7.2 Public Way to be unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances

7.3 Common Areas

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of Council.

7.4 Fit out of food premises

A separate development application is to be submitted and approved by Council for the fit out and use of any building for commercial food premises. The fit out of the food premises shall be carried out in accordance with *The National Code for the Construction and Fit out of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted with the development application.

7.5 Road Traffic Noise

The applicant is to be aware of the potential for road traffic noise to impact on future development on the site. In this regard, the proponent, not the Council, is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for Road Traffic noise, should the proponent seek assistance at a later date.

7.6 Annual Fire Safety Certification

The owner(s) of the commercial and residential flat buildings in The Boardwalk, The Cove and The Point Precincts shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

7.7 Disability Discrimination Act 1992

The Proponent is responsible for ensuring compliance with the *Disability Discrimination Act 1992* 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.

SCHEDULE 3

STATEMENT OF COMMITMENTS

Dated 8 July 2008

(Source: *Environmental Assessment*)

Major Project No. 05-0125

Contents

1. Hours of Operation
2. Site Security
3. Appointment of Project Ecologist
4. Induction Manuals, Training and Contract Management
5. Site Construction Plans
6. Not Used
7. Approvals and Licenses
8. Bushfire Prevention and Hazard Reduction
9. Vegetation Protection
10. Tree Protection
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13. Pest Species Management
14. Squirrel Glider Management
15. Bush Regeneration
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25. Park Works
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27. Community Extension Program
28. Waste Management
29. Voluntary Planning Agreement

Definitions:

AHIA means the November 2004, Andrew Roberts & Forster Local Aboriginal Land Council, Aboriginal Heritage Impact Assessment

AR means the May 2006, Accessibility Solutions (NSW) Pty Limited, Access Report

ASSA means the December 2004, Coffey Geosciences Pty Limited, Acid Sulphate Soils Assessment

BCP means the December 2004 (amended July 2006), Conacher Travers Pty Limited, Bushfire Contingency Plan

BERP means the December 2004 (amended July 2006), Conacher Travers Pty Limited, Bushfire Emergency Response Plan

BMP means the December 2005 (amended July 2006), Conacher Travers Pty Limited, Bushland Management Plan

BPA means the December 2004 (amended July 2006), Conacher Travers Pty Limited, Bushfire Protection Assessment

Deed means the Deed for the carrying out of works, Lake Way Forster between SMB Developments Pty Ltd, Director-General of the National Parks and Wildlife Service and the Minister for the Environment

EHCRP means the December 2005 (amended July 2006), Conacher Travers Pty Limited, Eastern Habitat Corridor Restoration Plan

ESMP means the May 2006 (amended December 2006), Conacher Travers Pty Limited, Ecological Site Management Plan

EVR means the November 2005 (amended December 2006), Conacher Travers Pty Limited, Environmental Validation Report

FMP means the December 2004 (amended July 2006), Conacher Travers Pty Limited, Bushfire Fuel Management Plan

GA means the June 2004, Coffey Geosciences Pty Limited, Geotechnical Assessment

GTA means the November 2005, Coffey Geosciences Pty Limited, Geotechnical Assessment- Building Foundations and Design Parameters

HBTA means the August 2005 (amended July 2006), Conacher Travers Pty Limited, Hollow-bearing Trees Assessment

LDR means the May 2006, Site Image Pty Limited, Landscape Design Report

Proponent means Seven Mile Beach Holdings Pty Limited; ABN 65 112 160 719

PSMP means the December 2005 (amended July 2006), Conacher Travers Pty Limited, Pest Species Management Plan

SGHMP means the December 2005 (amended July 2006), Conacher Travers Pty Limited, Squirrel Glider Habitat Management Plan

SGRTR means the November 2005, Conacher Travers Pty Limited, Squirrel Glider Radio Tracking Report

SMS means the January 2006, Boyden & Partners, Stormwater Management Strategy

TMP means the December 2005 (amended July 2006), Conacher Travers Pty Limited, Tree Management Plan

WMP means the December 2005, URS Australia Pty Limited, Waste Management Plan

Statement of Commitments

The Director-General has requested pursuant to section 75F(6) of the *Environmental Planning and Assessment Act 1979* that Seven Mile Beach Holdings Pty Limited include a Draft Statement of Commitments in the EAR. If approval for the proposed project is granted, Seven Mile Beach Holdings Pty Limited will commit to the following environmental management and mitigation measures for the proposed project:

No.	Commitment	Source of Commitment	Applicable Phase
1.	Hours of Operation		
1.1	Construction works for the project will be limited to the hours of 7am to 7pm Monday to Saturday.		All phases
2.	Site Security		
2.1	<p>To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include:</p> <ul style="list-style-type: none"> • Lockable security gates; • A security fence around the perimeter; • security lighting within the site; and • controlled access to the site through the site control office, visitor reception area and site management personnel. 	LDR 2.10	All phases
3.	Appointment of Project Ecologist		
3.1	A Project Ecologist shall be appointed for the development. The Project Ecologist will be a professional ecologist.	SGHMP 2.3	Phase 1
3.2	The Project Ecologist will supervise and monitor activities on site during periods of construction works being undertaken.	ESMP 5.1.1, EVR 6.0	All phases
4.	Induction Manuals, Training and Contract		

	Management		
4.1	The proponent, in consultation with the Project Ecologist, will prepare induction manuals in accordance with section 5.1.1 of the ESMP.	ESMP, 5.1.1	All phases
4.2	All employees and contractors involved with the development shall undergo an induction and training program to reinforce the ecological objectives of the development in conjunction with the induction manual. The Project Ecologist will be involved in the preparation and implementation of the induction program.	ESMP, 5.1.1, EVR 6.0	All phases
4.3	All contracts for construction works are to require contractors to comply with all performance criteria listed in section 4.4 of the ESMP.	ESMP 5.1.1	All phases
4.4	All contractors will be responsible for rectifying damage or paying fees for damage they have caused to trees identified for retention.	TMP 4.4	All phases
5.	Site Construction Plans		
5.1	Prior to the commencement of construction works a site construction plan is to be prepared and approved by the Project Ecologist. The site constructions plans must not be inconsistent with the ESMP and any of the development consent conditions.	ESMP, 5.1.1, ESMP 5.2, EVR 6.0	All phases
6.	Not Used.		
7.	Approvals and Licenses		
7.1	Approvals will be sought from the Department of Environment and Conservation and/or National Parks and Wildlife Service to undertake vegetation regeneration works identified in 3.2.1 of the EHCRP	EHCRP 4.0, SGHMP 2.3, ESMP 5.5, TMP 3.10	Phase 1

	within Booti Booti National Park.		
7.2	Approvals will be sought from the NPWS to undertake pest fauna species control within Booti Booti National Park	PSMP, 4.2	All phases
7.3	Approvals will be sought from the Department of Environment and Conservation for a seed collection licence	EHCRP, 3.5 and 4.0	Phase 1
7.4	If approval is granted, the proponent will undertake the works approved by DEC/NPWS.	EHCRP, 3.3 and 3.5	Phase 1
8.	Bushfire Prevention and Hazard Reduction		
8.1	Asset Protection Zones shall be provided in accordance with Tables 25-32 and Schedule 1 of the BPA.	BPA, 6.2 and Schedule 1, BERP 2.1	Phase 1
8.2	Fire Management Zones to be provided in accordance with Figure 4 of the <i>Fuel Management Plan</i> and maintained in accordance with the Operational Works Schedule contained at Annexure 1 of the <i>Fuel Management Plan</i> .	FMP section 4.1, 6.0, Figure 4	All phases
8.3	The proponent shall manage the fuel levels within the Asset Protection Zones in accordance with Figure 4 and section 5.2 of the Bushfire Fuel Management Plan until such time as the Community Subdivision is registered and the Community Association has jurisdiction.	BPA 5.2, Figure 4, Schedule 1	All phases
8.4	Known Squirrel Glider denning sites as depicted in Figure 1 of the <i>Squirrel Glider Tracking Report</i> will be protected from destruction or damages from bushfire hazard reduction in accordance with the recommendations in Table 4 of the FMP.	FMP, Table 4 and SGHMP, 2.1, 2.5	All phases
8.5	Hazard reduction is to avoid creating canopy separation greater than 10 metres to protect Squirrel Glider canopy movement.	SGRTR 5.0	All phases
8.6	The buildings shall be constructed in accordance with the prevention strategies identified in Schedule 1 to the BPA, by Conacher Travers Pty Limited, July 2006.	BPA 5.2	Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
8.7	The proponent will provide the following fire fighting infrastructure prior to issue of the first occupation certificate for a residential or commercial building on the site: <ul style="list-style-type: none"> external manoeuvring area capable of allowing 6 motor vehicles and 2 trucks to park series of public swimming pools throughout the site. 	BCP 4.2	Phases 1
8.8		BCP 4.2,	All phases

	The proponent will provide water hydrants connected to town water for a precinct prior to issue of an occupation certificate for that precinct, as depicted in Schedule 1 to the <i>BERP</i>	BERP 2.1	
8.9	A telephone land line will be installed in each dwelling.	BERP 2.1	All phases
8.10	Perimeter private roads will comply with 'NSW Rural Fire Services Planning for Bushfire Protection, 2001'.	BPA 6.2, 5.3.2	Phases 1, 2, 3, 5, 7, 9, 11, 13, 15A, 15B, 16B
8.11	Fire trails will be located in accordance with Schedule 1 of the BPA and constructed to a formed width of 4 metres within a 6 metres wide by 6 metres high corridor clear of all vegetation and overhanging branches.	BPA 5.3.2, 6.2, BERP 2.1	Phases 1, 2, 4, 6, 8, 10, 12, 14, 16B
8.12	Proponent to undertake fire trail maintenance in accordance with Operational Works Schedule contained at Annexure 1 of the <i>Fuel Management Plan</i> prior to occupation of precincts by residents.	FMP 7.8, Annexure 1	All phases
8.13	Bushfire activity within the Site will be mapped and recorded including the extent, intensity and dates using the fuel reporting form attached at Annexure 4 to the <i>Fuel Management Plan</i> .	SGHMP 2.9, FMP 5.4-3, 7.5	All phases
8.14	Emergency access links to be provided by the proponent from the northern and southern most roads to link with The Lakes Way in accordance with Schedule 1 of the approved BPA.	BPA 6.2	Phase 2
8.15	Proponent to prepare a Bushfire Incident and Evacuation Plan to provide a procedure in the event of fires threatening the development complex.	BPA 6.2	Phase 2
8.16	Proponent will prepare performance assessment criteria for the future monitoring of fuel management activities.	FMP, Annexure 1, p. 2	Phase 2 – prior to occupation certificate for first residential precinct.
9.	Vegetation Protection		
9.1	The proponent will ensure there is no residential development, clearing, slashing, harming, cutting, removal or disturbance of vegetation (other than weeding or bush regeneration) carried out within Precincts 1 (Northern Conservation Precinct) & 2 (Southern Conservation Precinct) unless otherwise approved.	ESMP 5.5.1, SGHMP 2.1	All phases
9.2	The proponent will clearly mark areas to be cleared and	BMP 3.2	All phases

	areas to be protected before and during development / construction / regeneration works.		
10.	Tree Protection		
10.1	All canopy vegetation not impacted by building envelopes and roads is to be retained unless <i>approved by Project Ecologist</i> . Trees directly affected by the building envelope are to be removed, however trees that overhang or will touch buildings are to be retained in accordance with DCP 40, page 08 and 08a.	EHCRP, 2.1.2, TMP 4.1, BMP 3.1	All phases
10.2	All trees will be retained on site as identified in the Tree Survey Plan No. 13 in DCP No. 34. Any planned retained trees may be removed if determined by a qualified arborist in consultation with the Project Ecologist as being dangerous. If removal is required, the tree must be inspected by the Project Ecologist prior to removal for identification of hollows.	TMP Schedule 2; EVR 6.0	All phases
10.3	All trees removed will be replaced within the development site or conservation precincts at a ratio of 2:1 with the same species propagated from locally collected (indigenous) native plant seed stock or cuttings.	EVR 1.5.13, SGHMP 2.3	All phases
10.4	The proponent will implement the Tree Protection Guidelines and Tree Protection Zones (TPZ) for all retained trees within the developable portions of the site as described in section 3.10 of the TMP as reasonably practicable.	TMP, 3.9, 3.10, 3.11, BMP 2.9, ESMP 5.1.1, 6.2 and EVR 6.0	All phases
10.5	The Project Ecologist will inspect the site prior to, during and post construction to ensure trees designated for exclusion zones are adequately marked and other appropriate protection procedures are being maintained and to perform the duties listed in section 5 of the <i>TMP</i> .	TMP 3.9, 5.0, BMP 2.9, ESMP 5.1.1	All phases
10.6	The following tree clearing techniques will be implemented: (a) Tree Protection Zones will be avoided. (b) If any tree to be removed is a hollow-	SGHMP 2.1, TMP 3.6, 3.7, 3.8, 4.2, EHCRP 2.3, 2.4, BMP 2.8, 3.2, ESMP 5.1.3, 5.1.7, EVR 6.0, 6.22	All phases

	<p>bearing tree and occupied by native fauna, the tree will be lowered by a machine after the tree has been shaken to evict sheltering fauna. Once lowered, the Project Ecologist will examine all hollows for fauna occupation. If fauna are sheltering within a felled hollow, the hollow with the fauna still inside will be relocated to the Conservation Zones to allow the fauna to escape.</p> <p>(c) Cleared vegetation will be mulched or wood chipped and used in nominated landscape beds;</p> <p>(d) Removal of weeds and destruction or removal of all weed propagules, will be undertaken in accordance with appropriate Weed Management Techniques as provided in Appendix 2 of the EHCRP;</p> <p>(e) Undertake weed control, bush regeneration methods and revegetation works as stipulated in Appendices 1 and 2 of the <i>BMP</i>;</p> <p>(f) Regeneration of cleared surfaces via seeding, planting of native species, mulching and the installation of biodegradable blankets in accordance with the <i>ESMP</i>;</p> <p>(g) implementation of water control measures including construction of earth banks, catch drains, detention and sediment ponds, grassed and armoured waterways, rock earth and sand bag dams and outlet protection systems; and</p> <p>(h) All Cabbage Palm Trees required to be removed must be transplanted elsewhere within the development under the direction of the Project Ecologist. Transplantation of palms must be undertaken according to a pre trialled method and no more than 30% of fronds to be removed.</p>		
10.7	Tree protection will be installed around trees containing hollows or dens at least 1m beyond the canopy drip line.	EVR 6.0	All phases
10.8	If filling occurs around the trunk of a species of tree listed below, blue metal will be placed around the base of each tree to separate the sand from the lower trunk and where	EVR 5.19	All phases

	<p>possible, sandfill will be graded to approximately 100mm around the base of each tree:</p> <ul style="list-style-type: none"> (a) Angophora costata; (b) Eucalyptus robusta; (c) Eucalyptus pilularis; and (d) Eucalyptus tereticomis. 		
10.9	The proponent will provide Council with a Tree Protection Bond of \$60,000. This bond (or a proportion of the bond as applicable) will be reimbursed upon the completion of the development if no damage is caused to a hollow bearing tree that is to be retained. Council will retain \$5,000 from the bond for each negligent or deliberate damage caused to a hollow bearing tree that is to be retained.	TMP 4.4 (no bond req.)	Phase 1
10.10	All unintended damage to retained trees will be reported to the Project Ecologist who will recommend appropriate remedial measures if required.	TMP 4.4.1	All phases
10.11	No on ground refugia (logs, rocks and dense understorey) is to be destroyed, moved, stockpiled, burnt or modified without the approval of the Project Ecologist.	TMP 4.4.1	All phases
10.12	Seed collection and propagation of locally endemic species to be used in restoration/regeneration to occur in accordance with Appendix 5 of the EHCRP	EHCRP 3.2.1	All phases
10.13	Trees killed or damaged during the pre-construction, construction or post-construction phases that were to be retained, will be replaced with locally collected provenance seed propagated tubestock at a ratio of 3 to 1 planted at the location of the original tree	TMP 4.5	All phases
11.	Fencing		
11.1	All pre-existing internal fencing will be removed from the development area.	SGHMP 2.2	Phase 1

11.2	All lengths of barbed wire on all existing boundary fences will be replaced with plain wire with the exception of the security fence to The Lakes Way on completion of each phase of the works.	SGHMP 2.2, BMP 3.2	All phases
11.3	All areas outside the development areas will be fenced to control vehicle and pedestrian access and boundary fencing along The Lakes Way to be constructed adjacent to precinct gateways	LDR 2.10, BMP 3.2	Phase 2
11.4	Access gates and fencing will be installed to each management area to allow vehicle access to land management personnel (where required).	LDR 2.10, SGHMP 2.2, BMP 3.2	All phases
11.5	Through-site walkways will be constructed so that they are external to the pool areas or strictly controlled by secure pool fencing.	LDR 2.10	All phases
12.	Weed control		
12.1	Weeds are to be progressively removed in accordance with the techniques recommended by the National Trust, NSW National Parks and Wildlife Service and the Australian Association of Bush Regenerators	BMP 2.4, Appendix 2	All phases
12.2	All weed control measures will be undertaken by or under the supervision of a qualified Bushland Regenerator and in accordance with section 2.4 of the <i>BMP</i> .	TMP 4.1, BMP 2.4	All phases
12.3	Noxious weed control will be undertaken across the whole development area in accordance with section 2.4 of the <i>BMP</i> .	EVR 6.0	All phases
12.4	Targeted weed control will be undertaken throughout the retained bushland areas which is to include but not be limited to the following species: - <i>Tradescantia albiflora</i> (Wandering Jew)	PSMP 3.7	All phases

	<ul style="list-style-type: none"> - <i>Lantana camara</i> (Lantana) - <i>Chrysanthemoides monilifera</i> ssp <i>Rotundata</i> (Bitou Bush) - <i>Rubus ulmifolius</i> (Blackberry) - <i>Ligustrum sinense</i> (Small Leaved Privet) - <i>Ligustrum lucidum</i> (Large Leaved Privet) - <i>Ipomea indica</i> (Coastal Morning Glory) - <i>Lonicera japonica</i> (Japanese Honey Suckle) 		
12.5	The impacted periphery areas of the Northern and Southern Conservation Precincts will be subject to weed control to facilitate the natural regeneration of native vegetation from the existing propagules present in the soil.	BMP 2.5	All phases
12.6	Native species as contained in Appendix 3 of the <i>BMP</i> will be considered for any replacement planting once weeds removed.	BMP 2.5	All phases
13.	Pest Species Management		
13.1	The proponent will implement a program using cage traps for trapping of foxes and stray cats in accordance with approvals from the Department of Agriculture and Rural Lands Protection Board biannually or as otherwise recommended by relevant authorities.	SGHMP 2.7, PSMP 4.3.1	All phases
13.2	Baiting for wild dogs and foxes will be undertaken in accordance with approvals from the Rural Lands Protection Board, Department of Agriculture, (as applicable) the Department of Environment and Conservation and the Community Association and/or Council biannually or as otherwise recommended by local authorities.	SGHMP 2.7, PSMP 4.3.4	All phases
13.3	Pest species monitoring and control programmes will be undertaken in accordance with Section 4.0 of the PSMP.	PSMP 4.0	All phases

13.4	Bees occupying naturally occurring hollows within all hollow bearing trees will be removed by qualified a tree climber skilled in dealing with feral honey bees prior to removal of tree in accordance with section 4.0 of the PSMP. All other feral pests found in hollow-bearing trees will be removed.	PSMP 4.3.6; SCHMP 2.3	All phases
13.5	The proponent will undertake ongoing liaison with local rangers, other control authorities, community groups and adjacent landholders for advice, coordination and educational purposes relating to pest fauna management.	PSMP 4.1, 6.0	All phases
14.	Squirrel Glider Management		
14.1	The known Squirrel Glider denning sites depicted in Figure 1 of the Squirrel Glider Tracking Report are to be retained.	SGHMP 2.1, 2.5	All phases
14.2	An artificial nest box design as shown in Appendix 1 of the Squirrel Glider Management Plan (<i>Conacher Travers Pty Limited 2005e</i>) is to be prepared to the satisfaction of Great Lakes Council and installed within the Conservation Zones at a rate of 2 nest boxes per hollow tree removed from the development area.	HBTA, SGHMP 2.1, 2.3, 2.4, Appendix 1, TMP 3.11, EVR 6.0	All phases
14.3	The proponent will replant endemic species of trees and shrubs (as identified in Table 7 of the <i>SGHMP</i>) in habitat corridors and restored habitat areas where Squirrel Glider foraging habitat resources are considered by the Project Ecologist to be lacking to supplement the habitat and provide ongoing seasonal foraging resources throughout the year.	SGRTR 5.0, SGHMP 2.3	All phases
14.4	Arboreal bridges will be installed where the Project Ecologist decides tree removal is likely to interrupt or exceed the average glide distance of Squirrel Gliders particularly between denning and foraging resources.	HBTA , SGHMP 2.1, EHCRP 2.1, ESMP 6.2	All phases
14.5	Regular (annual) distribution of pamphlet to residents will occur to provide information relating to the Squirrel Glider within the local area.	SGHMP 2.8	All phases

15.	Bush Regeneration		
15.1	The proponent will engage a suitably qualified bush regenerator to supervise all regeneration works.	SGHMP 2.3, ESMP 5.1.1	Phase 1
15.2	Suitable nursery grown tubestock will be replanted into designated restoration areas as shown in Figure 1 of the ESMP and appropriate ongoing management implemented to ensure continued growth, vitality and replacement of these plantings.	SGHMP 2.3	All phases
15.3	The recruitment / augmentation of plantings within areas to be slashed for bushfire hazard management will be restricted unless significant dieback occurs.	BMP Sch A1	All phases
15.4	Bush regeneration works will be undertaken in the Conservation Zones and Habitat Corridors in a manner generally in accordance with Appendix 1 of the BMP. Native vegetation will be rehabilitated in the Western Habitat Corridor linking Precinct 1 and The Lakes Way by supplementary planting with endemic species.	SGHMP 2.3	All phases
15.5	Mulching is not to be used where <i>Hydrocotyl bonariensis</i> (Pennywort – Environmental Weed) is present or adjacent to a revegetation site. Woodchip or other mulch is to be placed at a depth of 75-100mm covering any areas of tree replanting or landscape areas. Areas surrounding the stems / trunks of plants are to be kept free from mulch to reduce the incidence of collar rot.	TMP 3.9, BMP 2.9, ESMP 5.1.1	All phases
15.6	No mulch will be spread or stockpiled within Asset Protection Zones or within lot habitat areas.	ESMP 5.1.4, BMP	All phases
16.	Habitat Management		
16.1	Habitat corridors will be established in accordance with Schedule 5 of the ESMP and restored in accordance with the requirements in section 5.5.2 of the ESMP	ESMP 5.5.2	All phases
16.2	Exotic weeds and invasive species as listed in Table 4 of the BMP will be removed from the whole of the site	EHCRP 2.1	All phases

	including all conservation precincts, Eastern Habitat Corridor restoration Area and the Canopy Restoration Area.		
16.3	The hollow-bearing trees marked in green on Figure 1 to the <i>HBTA</i> are to be retained as reasonably practicable.	HBTA(Impacts on Squirrel Glider Population and Amelioration Measures)	All phases
16.4	All areas of fallen timber identified by the Project Ecologist as fauna habitat prior to construction, will be protected and retained if appropriate. Any nests or roosts located during development works to be relocated to nearby retained trees by an experienced fauna ecologist.	EVR 6.0	Phase 1
16.5	All felled hollows and affected fauna will be removed from the tree and relocated to suitable trees within the development areas or conservation zones.	HBTA, SGHMP 17.2	All phases
16.6	Restoration or planting of native vegetation in highly disturbed areas will occur within the Eastern Habitat Corridor Restoration Area in accordance with the methods identified in Appendix 1 of the BMP. For works within the Booti Booti National Park, no works are to occur unless prior approval from DEC has been obtained.	EHCRP 2.1	All phases
16.7	Supplementary planting of suitable endemic native tree species will occur within the Canopy Restoration Area, as shown in Figure 1 of the EHCRP, to provide canopy connectivity.	EHCRP 2.1	All phases
16.8	<p>Prior to vegetation clearance, a search for the following species will be undertaken and if located, the Site Construction Plan will be amended in consultation with the Project Ecologist to ameliorate any potential impacts:</p> <ul style="list-style-type: none"> (a) Squirrel Glider (b) Common Blossom Bat (c) Wallum Froglet 	ESMP 5.1	All phases

	<p>(d) Masked Owl</p> <p>(e) Little Bentwing-bat</p> <p>(f) <i>Asperula asthenes</i></p> <p>(g) <i>Allocasuarina defungens</i></p> <p>(h) <i>Allocasuarina simulans</i></p> <p>(i) <i>Melaleuca biconvexa</i>.</p>		
16.9	Boundaries of the conservation areas, habitat corridors, landscaped beds and regeneration zones where they adjoin the development areas will be clearly marked-out on site.	EVR 6.0	All phases
17.	Landscaping		
17.1	A visual screen will be maintained along The Lakes Way to screen the western precinct developments from travellers heading south and north along The Lakes Way.	LDR 2.10	Phase 2
17.2	Swimming pools will be designed in accordance with Australian Codes and Council Codes prior to building.	LDR 2.10	Phases 1, 2, 10, 13, 15B, 16B
17.3	Maintenance Manuals will be prepared by the proponent to assist in guiding ongoing maintenance of the landscaping of the site.	LDR 2.12	All phases
17.4	Locally endemic native species will be used in all landscaping.	TMP 4.2, BMP 3.2	All phases
18.	Foundations/ Footings		
18.1	After completing filling and prior to placement of footings, the proponent will cause penetrometer testing to be undertaken through the sand fill to confirm an adequate degree of compaction.	GTA 5.3.1	Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
18.2	Footings for the proposed development will be designed and constructed in accordance with Australian Standard AS2870, 'Residential Slabs and Footings', if applicable.	GTA 5.3.1	1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
18.3	The Proponent will arrange a further investigation of Precinct 6 to define extent of soft clay layers and areas required for preloading.	GTA 5.3.2	Prior to phase 14
18.4	Appropriate deep foundation method to be chosen and implemented in accordance with the geotechnical strength parameters contained in Table 6 of the GA	GTA 5.3.3	Phases 1, 2, 4, 6, 8, 10, 12, 14,

	dated 25 November 2005.		15A, 15B, 16A, 16B
18.5	Excavation will be carried out in accordance with the requirements in section 5.4 of the GA, dated 25 November 2005.	GTA 5.4	Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
18.6	Retaining walls will be constructed in accordance with specifications provided in section 5.5 of the GA dated 25 November 2005..	GTA 5.5	Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
19.	Pets		
19.1	Ownership of cats and dogs (other than "Assistance animals" as defined under in the <i>Disability Discrimination Act 1992</i> for people with disabilities) by residents will not be permitted within the development.	SGHMP 2.7, PSMP 4.1	All phases
19.2	The proponent will erect and maintain pet control / restraint signage.		All phases
20.	Erosion and Sediment Control		
20.1	Environmental protection fences/ sediment control fences will be installed prior to the commencement of any works in a precinct.	ESMP 6.2	All phases
20.2	An Erosion and Sediment Control Plan will be submitted to the Council for approval prior to the commencement of construction which is to take into account the measures to be implemented listed in section 2.8 of the <i>BMP</i> and matters listed in sections 5.1.1 and 5.1.2 of the <i>ESMP</i> .	TMP 4.1, BMP 2.8, 3.1, ESMP 5.1.1, 5.1.2	Phase 1
20.3	Proponent to draft and implement Acid Sulfate Soils Management Plan for excavations to be carried out	ASSA 5.7	All phases

	below the water table prior to commencing building works in that precinct.		
21.	Groundwater		
21.1	All residential development will be built on building platforms at RL 7.0 AHD in the sand ridge/borrow pit area and RL 4.0m AHD in the lower lying western portions of the site and designed to be formulated in accordance with maximum groundwater levels contained in Drawing No TA01483/01-2 attached to the GA dated 25 November 2005.	GA 5	Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
21.2	The Proponent will measure water quality before, during and after the development to ensure that ground and surface water quality is maintained.	EVR 6.0	All phases
22.	Stormwater and Nutrient Control		
22.1	Stormwater management and nutrient control devices must be implemented in accordance with the approved Site Construction Plans and the Stormwater Master Plan contained at Attachments A and B to the SMS. These plans may be amended with approval from Council.	SMS 7.0, Attachment A and B	Phases 1, 2, 3, 5, 7, 9, 11, 13, 15A, 15B, 16B
22.2	Stormwater flows are to be diverted through gross pollutant control and nutrient filter devices.	SMS	All phases
22.3	Overflow from rainwater tanks and runoff from other hardstand areas must be conveyed either by the stormwater drainage system or swales to the biofiltration basins/detention systems located in accordance with the Stormwater Master Plan included as Attachments A and B to the SMS. Overflows from the basins must be directed to the culverts under The Lakes Way.	SMS 5.2.6	All phases
22.4	Areas of managed grass in overland flow drains will be maintained to assist in providing protection for dispersing Wallum Froglets and other amphibians.	ESMP 4.2	All phases
22.5	No high phosphate household chemicals are to be used on the site.	BMP 2.8	All phases
22.6	No soil improvements may include pH adjusting additives.		All phases
22.7	Reuse of collected stormwater runoff should be		All phases

	undertaken for non-potable purposes including toilet flushing, washing machines, garden irrigation and car washing.		
22.8	All taps connected to rainwater tanks are to be identified as 'RAINWATER' with a sign complying with AS 1319. The rainwater tanks can be backed up with mains water in case of dry weather.	SMS 23.9	Phases 2-14
22.9	Leaf guards are to be provided on all gutters of the buildings.		Phases 1, 2, 4, 6, 8, 10, 12, 14, 15A, 15B, 16A, 16B
22.10	Vegetation is only to be cleared within the building, driveway, services corridors and roadway footprints	SMS 5.2.3	All phases
22.11	Buffer strips used for treatment of overland stormwater runoff to be either native vegetation or grassed areas	SMS 5.2.4	Phases 1, 2, 3, 5, 7, 9, 11, 13, 15A, 15B, 16B
23.	Cut and Fill Management		
23.1	All cut and fill works will be carried out in accordance with Section 4.4.2 "Bulk Earthworks" of the <i>ESMP</i> .	TMP 4.3, BMP 3.1	All phases
23.2	Where appropriate, fill will be graded down around the bole of trees. In cases where the level of fill is too high for this method to be practical, other measures such as the installation of blue metal fill surrounding the trunks of trees or the relocation of trees that are to be retained to the filled ground level may be done.	TMP 4.3	All phases
23.3	Excavation, re-compaction of existing sand and placement of imported fill to be undertaken so that at least the upper 1m of sand is reused and has a density index of 70%.	GTA 5.3.1	All phases
23.4	Pavement thickness to be designed and constructed in accordance with section 5.6 of the GA dated 25 November 2005 and the Pavement Thickness design Summary Sheets attached to the Assessment or as further amended by a geotechnical engineer or a structural engineer.	GTA 5.6.1	Phase 1, 2, 3, 5, 7, 9, 11, 13, 15A, 15B, 16B
23.5	Site preparation to be carried out in accordance with	GTA 5.7	Phase 1, 2,

	section 5.7 of the GA, dated 25 November 2005		3, 5, 7, 9, 11, 13, 15A, 15B, 16B
24.	Monitoring / Auditing & Reporting		
24.1	The Project Ecologist will conduct the audits and certification as required under Appendix 5 of the <i>ESMP</i> .	SGHMP 2.3, 2.9, ESMP 5.3, EVR 6.0	All phases
24.2	Project Ecologist to review all activities relating to works in the habitat corridors every year for 10 years with a major plan review to occur every 5 years.	SGHMP 3.5	All phases
24.3	An Annual Environmental Management Report will be prepared for the 12 month period from the date of commencement of construction and for each 12 month period thereafter until the final occupation certificate is issued for the site detailing the proponent's performance in relation to these commitments.	ESMP 5.1.7	All phases
24.4	The site manager will maintain a daily logbook identifying the location, contractor and description of all earthworks, construction and environmental management activities undertaken. The logbook which will be made available to the Community Association upon request, with a summary of the logbook included in the annual report to Council.	SGHMP 2.9, ESMP 5.2	All phases
24.5	The proponent will establish standard locations for monitoring (once yearly for 10 years and every 2 years thereafter) vegetation growth and weed control in the Squirrel Glider management areas.	SGHMP 2.9	Phase 1
24.6	Squirrel Glider nest boxes will be monitored for glider use and condition annually for the first 10 years then every 2 years in perpetuity to assess occupancy rates of fauna, for condition and replacement as required. Monitoring will also include detection of the use of nest boxes by feral bees. Any exotic species will be removed.	SGHMP 2.4	All phases
24.7	The Squirrel Glider monitoring is to include a minimum of 15 quantitative plot based (20m x 20m) surveys of vegetation floristics and structure in the Squirrel Glider management areas once every 5 years in perpetuity. Each report is to include a cumulative analysis of the results and data recorded in previous annual monitoring	SGHMP 2.9	All phases

	reports.		
24.8	The health and condition of the trees within the habitat corridors is to be monitored and all necessary steps taken to restore and replace any large trees lost since the previous monitoring period.	SGHMP 2.3	All phases
24.9	An annual report will be prepared for submission to Council on the results of the monitoring and recording program along with details of work to be undertaken in the next monitoring program.	SGHMP 2.9	All phases
24.10	The Proponent will comply with the measures, and the Project Ecologist will conduct an audit, identified in Appendix 7 of the EHCRP.	EHCRP 3.5	All phases
24.11	Proponent to prepare an annual report summarising all fires that have occurred on site or on the immediate border of the site to be provided to Great Lakes Council until the final occupation certificate issued.	FMP 7.1	All phases
24.12	Proponent shall review annually Chapter 6 (Managing the Environment) and all figures and annexures of the <i>Fuel Management Plan</i> until the final occupation certificate is issued.	FMP 7.9	All phases
24.13	Proponent to monitor bushfire risk in accordance with checklist provided in Table 3 of the BCP until the final occupation certificate is issued.	BCP 6.3, Table 3	All phases
24.14	Site landscape maintenance outcomes as contained in the <i>LDR</i> to be audited by the proponent on a regular basis to ensure all requirements set out in the <i>Conservation Land Use Management Plan</i> are met.	LDR 2.12	All phases
24.15	The Proponent will implement a maintenance program which will include: <ul style="list-style-type: none"> • target noxious and environmental weed control • waste control • watering and revegetation maintenance • repairs to protection and sedimentation fencing; and • cleaning of any permanent anti-sedimentation structures or traps. to occur on a monthly basis during the construction phase.	ESMP 5.1.6	All phases
24.16	Restoration works will be monitored by the Project Ecologist on a biannual basis during the construction phase. Project ecologist to submit a report to Council	ESMP 5.17	All phases

	detailing the performance restoration works upon completion of the construction phase.		
24.17	Communication protocol between Site Manager, project Ecologist and Contractors to be established to ensure compliance with the <i>ESMP</i>	ESMP 6.2	Phase 1
24.18	Regular inspections and reports by the Project Ecologist on native vegetation protection and vegetation management measures to be undertaken at 6 months, 1 year and 2 years post construction with regular inspections at 1 year intervals thereafter.	TMP 3.7, 4.2, BMP 2.6, 3.2, ESMP 5.1.7	
25.	Park Works		
25.1	The proponent is to construct a carpark within Booti Booti National Park and clear the land opposite the carpark to allow for vehicle manoeuvring approximately 150 metres from the northern termination of Scenic Drive within the National Park .	Deed, Schedule 1	Phase 2
25.2	The proponent is to remove fencing along site of existing car park in Booti Booti National Park and carry out regeneration works in accordance with the EHCPR.	Deed, Schedule 1	Phase 2
25.3	The proponent is to carry out works within the Booti Booti National Park in accordance with the EHCPR.	Deed, Schedule 1	Phase 2
25.4	The proponent is to construct a two coat bitumen seal public access road extending from the Lakes Way to the south eastern corner of the proponent's site.	Deed, Schedule 1	Phase 2
25.5	The proponent is to construct a compacted hardcore surface road within the Booti Booti National Park from the end of the road on the south eastern corner of the proponent's site to link with the Scenic Drive.	Deed, Schedule 1	Phase 2
25.6	The proponent is to install signage and traffic management devices on the new road within Booti Booti National Park.	Deed, Schedule 1	Phase 2
26.	Heritage		
26.1	In accordance with the AHIA (Andrew Roberts Consulting 2004), a representative of Forster Local Aboriginal Land Council (FLALC) shall monitor resurfacing activities on the main dune to ensure the protection of Aboriginal artifacts.	ESMP 2.8, AHIA 6.3	Phase 1
26.2	If any Aboriginal objects are uncovered during resurfacing of the main dune and construction of site features, they shall be transferred into the existing pit marked orange on plan No. 14 in DCP No. 34 and reburied in consultation with the FLALC in accordance with any approvals from the DEC/NPWS.	ESMP 2.8 AIHA 6.3	All phases
26.3	The scarred tree located within Precinct 8 - The Fronds	ESMP 2.8,	Phase 1

	will be retained and a buffer zone of 20 metres be put in place around the feature. Interpretive signage will be erected and the FLALC consulted as to its content. No controlled burns are to take place within 20 m of this aboriginal feature.	AIHA 6.3	
27.	Community Extension Program		
27.1	The proponent will prepare the fact sheets described in section 4.26 of the ESMP excluding the sheet relating to 'Your Community Association'.	EVR 6.0	Phase 2
28.	Waste management		
28.1	A final Waste Management Plan will be submitted to Council for approval prior to commencement of building works.	WMP	Phase 2
28.2	Cabbage Tree Palms to be transplanted from Palms Precinct to Dunes Precinct, surplus waste to be taken to Tuncurry Management Centre for composting.	WMP	All phases
29.	Terms of Offer to Enter into Planning Agreement		

29.1	<p>The Proponent will enter into a Planning Agreement with Great Lakes Council under section 93F of the <i>Environmental Planning and Assessment Act 1979</i> for the provision of the following monetary contribution and material public benefit:</p> <p>Monetary Contribution:</p> <p>Payment of a monetary contribution in the sum of \$1,000,000 towards the following community projects:</p> <ul style="list-style-type: none"> - The completion of Stage 2 of the Memorial Drive Boardwalk - The Little St to Kenrose St Foreshore Walk - Pedestrian links from the proposed development to the Foster CBD - Upgrading facilities along the Forster Main Beach Promenade <p>The monetary contribution will be paid on a per lot basis, being \$3,154.57 per Dwelling- house Lot, Residential Flat Lot or Dwelling in a Residential flat Building and is payable prior to the issue of a subdivision certificate for the plan of subdivision containing the Dwelling-house Lot, Residential Flat Lot, or for each Residential Flat Building prior to the issue of a Construction Certificate for that building.</p> <p>Material Public Benefit</p> <p>The Proponent will construct a three-way single lane roundabout on The Lakes Way at the proposed entrance to the land as shown on the attached plan 0109RBT sheet 1 of 4 prepared by Lidbury, Summers and Whiteman that was approved by Great Lakes Council on 26 June 2008, and in accordance with further detailed plans and specifications to be approved by the Council.</p>		
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