

# Project Approval

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

I, the Deputy Director-General, Development Assessment and Systems Performance of the Department of Planning under delegation for the Minister of Planning dated 25 January 2010, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- maintain the amenity of the local area;
- encourage good subdivision design; and
- provide for the ongoing environmental management of the project.

  
Chris Wilson  
A/Deputy Director-General  
Development Assessment & Systems Performance  
Department of Planning

29.10.10

Sydney

2010

### SCHEDULE 1

**Application No:** 06\_0032

**Proponent:** RW Surveying & Valuations

**Approval Authority:** Minister of Planning

**Land:** Lot 101 DP 1087389, 13 Millingandi Road, Millingandi.

**Project:** Subdivision into 10 lots including construction of roads and landscape works.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979.</i>
<b>BCA</b>	<i>Building Code of Australia</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Bega Valley Shire Council
<b>Construction Certificate</b>	means a construction certificate for bulk earthworks or civil works unless specified otherwise.
<b>CPI</b>	Consumer Price Index.
<b>DECCW</b>	Department of Environment, Climate Change and Water.
<b>Department, the</b>	Department of Planning.
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	A written approval from the Director-General (or delegate) where the Director-General's Approval is required under a condition. The Director-General may ask for additional information if the approval request is considered incomplete.
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>EA</b>	the <i>Proposed 13 Millingandi Road, Millingandi, 11 lot Subdivision Environmental Assessment</i> prepared by the Proponent, dated December 2008.
<b>Minister, the</b>	Minister for Planning.
<b>PCA</b>	Principal Certifying Authority and has the same meaning as Part 4A of the Act.
<b>Preferred Project Report</b>	the <i>Proposed 13 Millingandi Road, Millingandi, 10 lot Rural Residential Subdivision, Preferred Project Report</i> prepared by the Proponent dated June 2010.
<b>Proponent</b>	RW Surveying & Valuations on behalf of the owners (Mr & Mrs Gregory and Kristine Clements)
<b>Project</b>	Development to which Major Project Application 06_0032 applies.
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Reasonable and feasible</b>	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the New South Wales and Australian context. <b>Feasible</b> relates to engineering considerations and what is practical to build. <b>Reasonable</b> relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
<b>RTA</b>	NSW Roads and Traffic Authority
<b>Site</b>	The land to which this approval applies.

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- Major Project Application 06\_0032;
  - the 13 Millingandi Road, Millingandi, Proposed 11 lot Subdivision Environmental Assessment prepared by the Proponent, dated December 2008;
  - the 13 Millingandi Road, Millingandi, Proposed 10 lot Rural Residential Subdivision, Preferred Project Report including the Statement of Commitments and plan of proposed subdivision, prepared by the Proponent dated June 2010; and
  - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
  - the implementation of any actions or measures contained in these reports, plans or correspondence.

### Limits of Approval

- 1.4 This project approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval have been physically commenced on or before that time.

### Statutory Requirements

- 1.5 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.
- 1.6 All work must be carried out in accordance with the requirements of the BCA.

## 2. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Bushfire Protection

- 2.1 In order to satisfy *Planning for Bushfire Protection 2006* (RFS) the subdivision shall be designed to ensure compliance with the following:
- water, electricity and gas are to comply with section 4.1.3 of *Planning for Bushfire Protection 2006* (RFS); and
  - public road access shall comply with section 4.1.3 (1) of *Planning for Bushfire Protection 2006* (RFS).

#### Note:

Any further development application for class 1,2 & 3 buildings as identified in the BCA on land that is bushfire prone shall be subject to separate application under section 79BA of the Act and address the requirements of *Planning for Bushfire Protection 2006* (RFS).

## Construction Management Plan

2.2 The Proponent shall prepare a **Construction Management Plan** to outline the practices and procedures to be followed during construction of the project. It shall be submitted to and approved by the Certifying Authority in accordance with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) a description of all relevant activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
- b) details of the areas designated for the erection of public information signage;
- c) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
- e) complaints handling procedures during construction;
- f) construction waste management;
- g) erosion and sediment control measures to minimise to the maximum feasible extent, soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with *Managing Urban Stormwater: Soils and Construction* (NSW Department of Housing); and
- h) noise and vibration management.

2.3 As part of the Construction Environmental Management Plan required under condition 2.2 of this approval, the Proponent also shall prepare and implement the following:

- a) A **Vegetation Management Plan** for the re-establishment of riparian vegetation at the site. The Plan shall identify methods of establishment and management of a Core Riparian Zone as described in the Preferred Project Report contained in condition 1.1 c) and associated vegetation buffer into perpetuity to the satisfaction of the DECCW, prior to the issue of a Construction Certificate. The Plan is to be produced by a suitably qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration. The Plan shall include but not be limited to:
  - i) details of site preparation, including methods for planting and establishment of fully structured and appropriate native vegetation in the Core Riparian Zone (trees, shrubs and groundcover species) that consists of local endemic communities;
  - ii) details of site preparation and structure of the vegetation buffer. The buffer shall be vegetated in such a way that it shall ensure the environmental integrity of the Core Riparian Zone is maintained such that it is protected from weed invasion, microclimate changes, litter, trampling and pollution;
  - iii) details of weed control, installation of sedimentation and erosion control, surface stabilisation and sterile ground covers;
  - iv) fire management measures and an ecological fire regime in accordance with *Planning for Bush Fire Protection 2006* (RFS);
  - v) permanent fencing that surrounds the Core Riparian Zone and its vegetation buffer such that stock is prohibited from accessing the area; and
  - vi) details of long-term monitoring and implementation including a report, which is to be submitted to the certifying authority annually from the commencement of construction, for a period of three years after the completion of final planting. The report shall detail the works undertaken in order to comply with the recommendations of the Vegetation Management Plan.
- b) A **Weed Control Plan** for the entire site is to be produced by an appropriately qualified person. The Weed Control Plan shall detail weed management to be undertaken by the Proponent across the site during construction and post construction for a period of three years or until every lot is sold, whichever occurs first. The plan must be submitted to the Certifying Authority for approval, prior to the issue of Construction Certificate.

- c) Prior to the issue of any Construction Certificate, a **Traffic and Pedestrian Management Plan** in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:
- i) ingress and egress of vehicles to the site,
  - ii) loading and unloading, including construction zones,
  - iii) predicted traffic volumes, types and routes, and
  - iv) pedestrian and traffic management methods.
- d) A **Stormwater and Drainage Works Design Plan** that demonstrates the final design plans and management measures within the proposed subdivision have a neutral or beneficial effect on wastewater leaving the site as described in the Preferred project Report, condition 1.1 c). The Plan is to be prepared by a suitably qualified person in accordance with the Council's *Development Design Specification D7, Erosion Control and Stormwater Management* and shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The Plan shall include, but not necessarily be limited to:
- i) detailed engineering designs and rehabilitation measures for each category of watercourse crossing, culvert or instream works. Any watercourse crossing shall be designed and constructed in accordance with DWE *Guidelines for Controlled Activities Watercourse Crossings 2008*) and be a single lane concrete structure with a design service life of not less than 40 years;
  - ii) detailed engineering designs for stormwater drainage as described in the Preferred Project Report contained in condition 1.1 c);
  - iii) a contingency plan for any events during construction that have the potential to pollute or contaminate surface water or groundwater, including threshold levels, remediation actions and communication strategies for the effective management of such an event;
  - iv) plans for the existing dam on lot 4 to be filled and regraded; and
  - v) Stormwater, and other drainage structures such as detention basins, and other water quality control measures, shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table. If groundwater tables are likely to be intercepted during construction relevant approvals shall be gained from NSW Office of Water.
- e) A **Road Design and Right of Access Design Plan** that shows the final design plans within the proposed subdivision. The Plan shall be developed in accordance with the Council's Subdivision Guidelines and Technical Specifications as well as the standards specified in the *Road Design Guide* (RTA). The Plan is to be prepared by a suitably qualified person and submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The Plan shall include but not be limited to details of design and construction for the following:
- i) a type BAL intersection treatment at the junction of Millingandi Road and the proposed new public road as specified in figure 4.8.34 of the *Road Design Guide* (RTA). The design shall include the requirement for Safe Intersection Sight Distance for a speed environment of 100 kilometres per hour along Millingandi Road;
  - ii) the proposed new public road 20 metres wide from its intersection with Millingandi Road to 10 metres wide past the northern boundary of proposed lot 5 such that the design speed shall be not less than 60 kilometres/hour ;
  - iii) the proposed right of access from 10 metres past the northern boundary of lot 5 to the northern boundary of lot 3 such that the design speed shall be not less than 40 kilometres/hour;
  - iv) the proposed right of access from its intersection with the proposed new public road at the northern boundary of lot 7, along that boundary to the building envelope of proposed lot 8 such that the design speed shall be not less than 40 kilometres/hour;

- v) the proposed right of access from its intersection with the proposed new public road at the common boundary of lots 5 and 6 to the access driveways of lots 9 and 10 such that the design speed shall be not less than 40 kilometres/hour; and
- vi) bitumen sealed vehicular entrances serving each of lots 1 to 10 inclusive, in accordance with Council's standard drawing 2111 and the standards for a rural property access contained in the *Road Design Guide* (RTA).

### **3. PRIOR TO COMMENCEMENT OF WORKS**

#### **Notification Requirements**

- 3.1 The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of any works, excavation, shoring or underpinning works on the site for the project.
- 3.2 The PCA is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.
- 3.3 Prior to the commencement of the works of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

### **4. DURING CONSTRUCTION**

#### **Construction Management**

- 4.1 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.
- 4.2 A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:
  - a) details of the Builder, Principal Certifying Authority and Structural Engineer for the project;
  - b) the approved hours of work;
  - c) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - d) state that unauthorised entry to the site is not permitted.

#### **Certification and inspection of subdivision work**

- 4.3 The subdivision works must be inspected and tested either by a Council inspector, or by a PCA at each of the relevant stages of construction to demonstrate compliance with the Council's *Technical Specification for Civil Engineering Works* standards. Where Council is not the PCA, documentary evidence shall be provided by the PCA to Council demonstrating compliance.

#### **Erosion and Sediment Control**

- 4.4 All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity prior to and for the duration of the construction works 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.
- 4.5 The Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 4.6 All cleared areas shall be stabilised with local native grasses and ground cover plants as soon as practicable to minimise soil erosion.
- 4.7 The Proponent shall design, construct, operate and maintain the project to avoid impacts on bank stability along any watercourse to be crossed.

### **Disposal of Seepage and Stormwater**

- 4.8 Any seepage or rainwater collected on-site during construction shall not be pumped to any public road stormwater system unless separate prior approval is given in writing by Council.

### **Dust Control Measures**

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

### **Noise and Vibration**

- 4.10 The hours of construction of the project, including the delivery of materials to and from the site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - b) between 8:00 am and 1:00 pm, Saturdays;
  - c) no work on Sundays and public holidays.
- 4.11 Works may be undertaken outside these hours where:
- a) the delivery of materials is required outside these hours by the Police or other authorities;
  - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
  - c) agreement has been reached with affected receivers and where no residential premises are affected, the Proponent may carry out construction activities outside of these hours.
- 4.12 Any activities that are likely to result in excessive noise emissions to surrounding residents shall be identified and managed in accordance with the approved Construction Management Plan, condition 2.2.
- 4.13 For all stages of the project, the Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
- a) 9.00 am to 12.00 pm, Monday to Friday;
  - b) 2.00 pm to 5.00 pm Monday to Friday; and
  - c) 9.00 am to 12.00 pm, Saturday
- 4.14 Vibration resulting from construction of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

### **Protection of Trees – On-site Trees**

- 4.15 All trees at on site at the time of this approval 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 of the project.

### **Habitat and Vegetation Plans**

- 4.16 At the commencement of work, vegetation management as required under the Vegetation Management Plan is to commence.

### **Waste Generation and Management**

- 4.17 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 4.18 The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.



- 4.19 service conduits for electricity and telecommunications cabling shall not be trenched across any road pavements.

#### **Weed Management**

- 4.20 At the commencement of work weed control works shall also commence in accordance with the Weed Control Plan contained in condition 2.3 b).

#### **Heritage**

- 4.21 If during the course of construction the Proponent becomes aware of any previously unidentified significant Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the DECCW informed in accordance with the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the DECCW advising otherwise is received by the Proponent.

### **5. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 5.1 The plan of subdivision shall be in accordance with the conditions of this approval.
- 5.2 Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D (1)(d) of the *Environmental Planning and Assessment Act 1979*.
- 5.3 Upon completion of construction works, Council shall be provided with a complete copy of the plans to which the Construction Certificate relates. It shall be clearly marked to show all variations of the completed works from the approved design. These plans shall also contain the location and depth of any filling placed on any lot. Works-as-executed plans shall be prepared and certified by a Registered Surveyor or Chartered Professional Engineer as a complete and accurate record of the subdivision work.
- 5.4 Prior to the issue of a Subdivision Certificate, the Proponent shall be pay the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)* The payments listed in this condition are as at the date of issue of this consent:

- |    |   |               |
|----|---|---------------|
| a) | Section 94 Contributions Plan No. 3 – Recreational Facilities & Public Reserves | \$5490        |
|    | Allocation no   | 1650.141.257  |
| b) | Section 94 Contributions Plan No. 1 - Local Rural Roads                         | \$9270        |
|    | Allocation no   | 1710.144.4018 |
| c) | Section 94 Contributions Plan No. 2 – Car parking                               | \$4761        |
|    | Allocation no   | 1740.145.249  |

A copy of the Section 94 contribution plans is available for inspection at Council. The contribution for land will be adjusted in accordance with the latest annual valuations.

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

#### **Compliance Certificate**

- 5.5 Compliance certificates from suitably qualified professionals are to be provided to Council prior to the release of the Subdivision Certificate indicating that the following works have been carried out in accordance with the approved design plans and specifications and in accordance with any relevant Australian Standards:
- a) Asset Protection Zone creation;
  - b) weed management;
  - c) earthworks and any filling;

- d) drainage infrastructure;
- e) public road and right of access construction and sealing;
- f) watercourse crossings;
- g) erosion control measures;
- h) overground powerlines.

Further, a completion of engineering works certificate shall also be obtained from Council prior to the issue of a subdivision certificate

### **Services**

- 5.6 Prior to issue of the Subdivision Certificate, written evidence shall be submitted from, Telstra Australia and Country Energy Australia that satisfactory arrangements have been made for the provision of their respective services to all lots in the proposed subdivision.
- 5.7 Prior to the issue of a subdivision certificate the overhead powerlines shall be relocated in accordance with design plans contained in condition 1.1 c).
- 5.8 Each allotment in the proposed subdivision shall be serviced with electricity and telephone services at no cost to Council.
- 5.9 All public utility service connections to the existing building on Proposed Lot 1 shall be contained within that lot or within suitable easements for services.

### **Rehabilitation of Core Riparian Zone and associated vegetation buffer**

- 5.10 The final planting of the Core Riparian Zone and associated vegetation buffer as contained in the Vegetation Management Plan contained in condition 2.3 a) shall be completed to the satisfaction of Council prior to the issue of a Subdivision Certificate.

### **Defects and Damage**

- 5.11 The Proponent shall remedy any defects in the subdivision works arising within six months after the completion of construction works and shall make good any damage caused to any Council property as a consequence of construction works undertaken prior to the issue of any Subdivision Certificate.

If the Subdivision Certificate is issued prior to the expiry of this time period, the Council must first be provided with a security deposit or unconditional bank guarantee equivalent to five percent (5%) of the value of the subdivision works. The funds realised from this security may be paid out by Council to meet any costs referred to in the above paragraph.

### **Covenants for Asset Protection Zones**

- 5.12 Covenants pursuant to section 88E of the *Conveyancing Act 1919* shall be established for the provision of and maintenance of asset protection zones (APZ) in accordance with *Planning for Bushfire Protection 2006*, on the title to all lots as required by the NSW Rural Fire Service.

### **Registration of Easements / Public Road / Right of Access / Core Riparian Zone and Vegetation Buffer / Water Tank / On-site Sewerage Management System and On-site Effluent Management Area**

- 5.13 The creation of easements for services, public road, right of access, easement and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
  - a) easements for sewer, water supply and drainage over all public services/infrastructure on private property;
  - b) drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument;
  - c) lots 3,8,9 and 10 shall be prohibited from vehicular access to and from Boggy Creek Road;

- d) creation of the Core Riparian Zone and Vegetation Buffer area as will be defined in the Vegetation Management Plan of condition 2.3 a) on the title to lots 3, 4, 5, 6, 7, 8, 9 and 10. These lots shall be required to comply with the requirements of the Vegetation Management Plan.
- e) erection of any building, structure or disposal of effluent shall be prohibited on the title to all lots within the Core Riparian Zone and Vegetation Buffer;
- f) a 100 kilolitre water tank shall service each lot. Ten kilolitres of water shall be made available at all times for the purposes of firefighting; and
- g) the erection of a dwelling on any lot shall require the installation and maintenance of an on-site sewerage management system and on-site effluent management area in accordance with the commitments contained in the Preferred Project Report contained in condition 1.1 c) which shall be subject to at least annual inspection.

The subject S88B Instrument shall be submitted to the Principal Certifying Authority with the final plan of subdivision as a prerequisite to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.

5.14 Any Section 88B Instrument creating restrictions as to user, rights of access or easements shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied, modified or released only with the consent of Council.

5.15 The developer shall submit proposed names for new roads and rights of access for approval by the Council's Director of Engineering Services or his delegate, in accordance with Council's Road Naming Policy and addendum. The approved road names shall be clearly shown on the subdivision plans accompanying the application for the Subdivision Certificate. Road name signs shall be erected in conformity with Council's Technical Specification for Civil Engineering Works.

## **6. ONGOING CONDITIONS – POST SUBDIVISION COMPLETION**

### **Vegetation Management Plan Monitoring**

6.1 Any management and monitoring measures required under the Vegetation Management Plan as described in condition 2.3 a).

### **Bushfire Protection**

6.2 The property around the existing dwelling to a distance of 10 metres or to the property boundary shall be maintained as an inner protection area in accordance with section 4.1.3 of *Planning for Bushfire Protection 2006* (RFS).

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## **7. ADVISORY NOTES**

### **AN1 Bushfire - Construction of Buildings**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

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

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

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

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the Subdivision Certificate, and
- (3) the principal certifying authority prior to occupation.

### **AN3 Requirements of Public Authorities for Connection to Services**

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

### **AN4 Compliance with Building Code of Australia**

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **AN5 Structural Capability for Existing Structures**

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

### **AN6 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. 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.

### **AN7 Stormwater drainage works or effluent systems**

A Construction Certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- (2) management of waste.

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

#### **AN8 Temporary Structures**

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

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

#### **AN9 Disability Discrimination Act**

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

#### **AN10 Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

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

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