

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;
- maintain the amenity of the local area;
- 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 and Preferred Project Report.


The Hon Kristina Keneally MP
Minister for Planning

Sydney

29/11/09

2009

SCHEDULE 1

Application No:	06_0034
Proponent:	Studio Internationale Pty Ltd (ABN 66 075 829 097)
Approval Authority:	Minister for Planning
Land:	Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point, Lot 3 DP 589201 (No 84) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient Point
Local Government Authority:	Shoalhaven City Council
Project:	Tourist and Commercial Development
Estimated Cost of Works:	\$25 million
Type of Development:	Major Project
S.119 Public inquiry held:	No
Planning Assessment Commission:	No
Date approval is liable to lapse:	5 years from determination date unless specified action has been taken in accordance with S75Y of the Act.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
BCA	Building Code of Australia
Council	Shoalhaven City Council
CPI	Consumer Price Index
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director	Director of Regional Projects, Department of Planning
Director-General	Director-General of the Department (or delegate)
EA	Environmental Assessment prepared by Studio Internationale Pty Ltd, Cowman Stoddart and relevant consultants on behalf of Milad Raad dated November 2007
GFA	Gross Floor Area
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
MP 06-0034	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	Tourist and Commercial Development
Proponent	Studio Internationale Pty Ltd
Site	Land to which application applies (see schedule 1)
Statement of Commitments	Statement of Commitments provided in Schedule 3, dated July 2009
Submissions Report	Preferred Project Report prepared by Cowman Stoddart Pty Ltd dated July 2009.

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).

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

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult the Department of Environment, Water, Heritage and Arts 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.

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

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SCHEDULE 2
CONDITIONS OF APPROVAL
MAJOR PROJECT NO. MP 06_0034

PART A — ADMINISTRATIVE CONDITIONS

A1 Development Description

Approval is granted only to the carrying out the development described in detail below:-

- (i) No 76 Greenwell Point Road
- Demolition of existing structures on the site;
 - Construction of a three (3) storey building with two levels of basement car parking, comprising twenty (20) serviced apartments, 93 car parking spaces and a retail area, café, resort reception and private gym and consisting of:-
 - Basement (B1) Level – 70 car parking spaces (24 in a car stacker and 20 tandem spaces with a valet parking service for lower level), laundry, mechanical plant, lift and a small pool;
 - Lower ground floor – 23 car parking spaces, loading zone, bin storage, 6 metre access driveway from Greenwell Point Road, and four (4) x 2 bedroom apartments.
 - Ground level – this level comprises a retail tenancy and a café along the Greenwell Point Road elevation as well as the resort reception and private gym for Island visitors. At the rear of this level, there are six (6) x 3 bedroom apartments with deck and raised garden bed areas, with two (2) accessible/adaptable units.
 - Level 1 – this level comprises six (6) x 2 bedroom units, located in two distinct blocks separated by raised garden beds.
 - Level 2 – this level comprises four (4) x 2 bedroom units located in a block along the front (northern) elevation along Greenwell Point Road.
 - Removal of existing timber jetty and replacement with 42.2m long and 2m wide floating jetty;
 - Landscaping and associated infrastructure services.
- (ii) No 84 Greenwell Point Road
- Demolition of existing brick garage on the site;
 - Construction of a three (3) storey building, seven (7) serviced apartments, 9 car parking spaces and two (2) retail tenancies and consisting of:-
 - Basement (B1) Level – 9 car parking spaces;
 - Ground floor level – two (2) retail tenancies and two (2) x 2 bedroom apartments;
 - Level 1 – four (4) apartments, with 1 x 1 bedroom and 3 x 2 bedroom apartments;
 - Level 2 – one (1) x 2 bedroom apartment.
- (iii) Goodnight Island
- Main complex - comprising fifteen (15) suites (10 x 1 bed & 5 x 2 bed), Day spa, tea house and bathroom facilities, concierge desk, restaurant, library/lounge, bar and cinemateque in public pavilion, gym, spa, sauna, swimming pool and amenities in 'recreation pavilion. Staff accommodation and common facilities on lower ground floor;
 - Pavilions - Fifteen (15) self-contained Pavilions comprising 6 x Pavilion A (125m² GFA each) and 9 x Pavilion B (187m² GFA each) totalling 2423m² GFA;
 - Villa - comprising five (5) bedrooms;
 - Amphitheatre - comprising an outer structure with roof (3.2m high, 20m wide and approx 12m deep) and bench seating;

- Elliptical pathway – a 3.2m wide pathway from mesh ramp to utility shed, from marina to main complex and to self-contained pavilions and villa for buggy and pedestrian use;
- Bird hide - comprising signage, seating and an entry ramp (11.9m);
- Marina – a 9 berth Marina with floating pontoon, ramp (23.5m long) and moorings either side and end of pontoon;
- Mesh ramp - to replace existing stone ramp for access by vehicular barge/punt (9.17m long);
- Underbore - services extension from Orient Point;
- Utility shed - storage of equipment (gas bottles, waste), vehicles (tractor, fire truck) and sewerage treatment plant and effluent storage reservoir;
- Two header tanks - for water cycle management located on western side of island;
- Rainwater tanks – 1200KL under main complex building and tanks throughout site;
- Tennis court - located in north-western corner of Island.

A2 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Architectural Drawings prepared by <i>Studio internationale</i>			
Drawing No.	Revision	Name of Plan	Date
2006-01 I MP01	C	Architectural Drawings Cover Sheet	22 July 2009
2006-01 I MP02	C	Aerial Photograph	22 July 2009
2006-01 I MP03	C	Existing Site Plan – Proposed Demolition Plan	22 July 2009
2006-01 I MP04	C	Proposed Site Plan with Ground Floor Plans	22 July 2009
2006-01 I MP05	C	Level B1 Car Park Floor Plan	22 July 2009
2006-01 I MP06	C	Lower Ground Level – Car Park + Apartments Floor Plan	22 July 2009
2006-01 I MP07	C	Ground Level Retail, Commercial, Apartments floor plan	22 July 2009
2006-01 I MP08	C	Level 1 Apartments Floor Plan	22 July 2009
2006-01 I MP09	C	Level 2 Apartments Floor Plan	22 July 2009
2006-01 I MP10	C	Roof Plan	22 July 2009
2006-01 I MP11	D	Elevations – North, South, East, West	22 July 2009
2006-01 I MP12	D	Cross Section 1, Long Section 2	22 July 2009
2006-01 I MP13	C	Level B1 + Ground Level Car parking, Retail, Apartments Floor Plans	June 2009
2006-01 I MP14	C	Level 1 & Level 2 Apartments + Roof Floor Plans + Roof Plan	June 2009
2006-01 I MP15	C	Elevations – North, South, East, West	22 July 2009
2006-01 I MP16	C	Cross Section 1, Long Section 2	22 July 2009
2006-01 I MP17	D	Site Plan with Roof Plans, Aerial Survey of Existing Site	22 July 2009
2006-01 I MP18	D	Site Plan with Floor Plan	22 July 2009
2006-01 I MP19	C	Site Section 1	22 July 2009
2006-01 I MP20	C	Main Complex- Western Portion,	22 July 2009

		Ground Floor Plan + Lower Ground Floor Plan	
2006-01 I MP21	C	Main Complex – Eastern Portion, Ground Floor Plan	22 July 2009
2006-01 I MP22	C	Main Complex – Western Portion Roof Plan	22 July 2009
2006-01 I MP23	C	Main Complex – Eastern Portion Roof Plan	22 July 2009
2006-01 I MP24	C	Main Complex – Western Portion: North, South + West Elevations, East Elevation (Section 1)	22 July 2009
2006-01 I MP25	C	Main Complex – Eastern Portion: North, South + East Elevations, West Elevation (section 2)	22 July 2009
2006-01 I MP26	C	Pavilion A (typical -6 off) Floor Plan, Roof Plan + Elevations	22 July 2009
2006-01 I MP27	C	Pavilion B (Typical 9 off) Floor Plan, Roof Plan + Elevations	22 July 2009
2006-01 I MP28	C	Villa Floor Plan	22 July 2009
2006-01 I MP29	C	Villa Roof Plan	22 July 2009
2006-01 I MP30	C	Villa: North, South + West Elevations, East Elevation (Section 1) + Section 2	22 July 2009
2006-01 I MP31	C	Amphitheatre, Floor Plan, West + South Elevations, Section 1	22 July 2009
2006-01 I MP32	C	Utility Shed, Floor Plan, Front Elevation (West) Cross Section 1	22 July 2009
2006-01 I MP33	C	Marina, Plan + Side Elevation (typical)	22 July 2009
2006-01 I MP34	A	Barge Relocation, Plan + Side Elevation (typical)	22 July 2009
2006-01 I MP35	A	Bird Hide, Floor Plan, Roof Plan + Elevations	22 July 2009
2006-01 I MP35/2	D	View Analysis 1 (artists impression)	22 July 2009
2006-01 I MP39/2	D	View Analysis 5 (artists impression)	22 July 2009
no number	-	Photo Analysis, approx location of views	November 2008
no number	-	Photo Analysis	November 2008
2006-01 I Shadow 04	B	Shadow Diagram – 76 + 84 Greenwell Point Rd, Winter 9:00am	10 August 2009
2006-01 I Shadow 05	B	Shadow Diagram – 76 + 84 Greenwell Point Rd, Winter: 12 midday	10 August 2009
2006-01 I Shadow 06	B	Shadow Diagram – 76 + 84 Greenwell Point Rd, Winter: 3pm	10 August 2009
Landscape Drawings prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
DA_L_02	B	Indicative Plant Schedule	June 2009
DA_L_01	C	Landscape Plan	June 2009
Tree Removal Drawing prepared by Eco Logical Australia Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	-	Diagram of trees to be removed	June 2009

Reports prepared by Consultants			
Report No.	Author	Name of Report	Date
09SUTECO-0028	Eco Logical Australia Pty Ltd	Habitat and Vegetation Management Plan Framework	May 2009
P0601331JC12_V2	Martens	Impacts on SEPP 14 Wetlands and Surrounding Waters	May 2009
P0601331JC06_v1	Martens	Addendum to Traffic Impact Assessment	June 2009
P0601331JC14_v1	Martens	Addendum to Flooding Assessment	June 2009
P0601331JC11_v1	Martens	Addendum to Concept Water Cycle Management Strategy	June 2009
-	Cathy Dunn	Aboriginal Cultural Heritage Assessment Report	May 2009
P0601331JC11_v1	Martens	Climate Change and Sea Level Rise	June 2009
P0601331JR12_v1	Martens	Addendum to Acid Sulphate Soils Assessment	May 2009
-	Heli-Consultants	Helicopter Impact Assessment	May 2009
P0601331JC10_v3	Martens	Construction Management	June 2009
P0601331JC13_v1	Martens	Underbore Impact at Goodnight Island	June 2009
-	Cowman Stoddart	Review of Statutory Considerations	May 2007
P0601331JR08_v2	Martens	Concept Water Cycle Management Strategy	April 2008
P0601331JR05_v5	Martens	Estuary Management Study	April 2008
069-031	Eco Logical	Terrestrial Ecological Assessment and Management Plan	March 2007
2006438SY 001 RO1	Marshall Day Acoustics	Noise Impact Assessment	March 2007
P0601331JR06_v1	Martens	Air Quality Study	March 2007
P0601331JR11_v3	Martens	Environmental Management Plan	March 2007
06.1170	Architectural Projects	Urban Design Analysis	March 2007
P0601331JR03_v2	Martens	Traffic Impact Assessment	March 2007
P0601331JR04_v3	Martens	Bushfire Assessment	March 2007
06.1170	Architectural Projects	Heritage Assessment	March 2007
P0601331JR01_v1	Martens	Preliminary Geotechnical Assessment	March 2006
P0601331JR02_v1	Martens	Stage 1 Contamination Assessment	March 2007
P0601331JR10_v1	Martens	Riparian Management Plan	March 2007
P0601331JR07_v3	Martens	Flood Risk Management Plan	August 2007

P0601331JR09 V1	Martens	Environmental Assessment Study	Risk	March 2007
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A3 Project in Accordance with Documents

The project shall be undertaken in accordance with the following documents:

- a) Environmental Assessment Report prepared by *Studio Internationale Pty Ltd*, dated November 2007; and
- b) Preferred Project Report prepared by Cowman Stoddart Pty Ltd on behalf of Milad Investments No 1 Pty Ltd, dated July 2009.

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in Conditions A2 and A3, the conditions of this approval prevail to the extent of the inconsistency.

A5 Construction Certificates

A Construction Certificate must be obtained from the Certifying Authority before any work can commence on the site. A Construction Certificate shall be required for Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient Point (1 certificate for the 2 sites) and a separate Construction Certificate for Lot 3 DP 589201 (No 84) Greenwell Point Road Greenwell Point. The relevant conditions set out below shall be complied with for the relevant Construction Certificate.

A6 Occupation Certificates

An Occupation Certificate must be obtained from the Council or the Principal Certifying Authority prior to occupation of the development. An Occupation Certificate shall be required for Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient Point (1 certificate for the 2 sites) and a separate Occupation Certificate for Lot 3 DP 589201 (No 84) Greenwell Point Road Greenwell Point. The relevant conditions set out below shall be complied with for the relevant Occupation Certificate.

A7 Building Code of Australia

All work must be carried out in accordance with the requirements of the *Building Code of Australia*.

A8 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.

A9 Short term Tourist Accommodation only

The serviced apartments at No 76 Greenwell Point Road, No 84 Greenwell Point Road and the pavilions and main complex on Goodnight Island are to be used for short term tourist

accommodation only. Residential occupation of these premises is not permitted.

A10 Use of Retail Tenancies

The use of retail tenancies at No 76 Greenwell Point Road and No 84 Greenwell Point Road are subject to a future Development Application to be lodged with the Council other than what is considered to be exempt from requiring development consent under Council's *Exempt & Complying Development - Development Control Plan 89*. The use of these retail premises is not authorised by this approval.

A11 Development on Goodnight Island

All structures on Goodnight Island are to be constructed within the 1(d) Rural zone under the *Shoalhaven Local Environmental Plan 1985*.

A12 Development on Goodnight Island and No 76 Greenwell Point Road

A Restriction on the use of the land known as Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient Point is required pursuant to the *Conveyancing Act 1919* requiring that these two allotments are bound together for the life of the development.

A13 Signage

No signage other than what is considered to be exempt from requiring development consent under Council's *Development Control Plan No.82 – A Signage Strategy for the City of Shoalhaven*, shall be erected without the consent of Council. Signage for future occupants of the building is to be integrated into the design of the building. Multiple signs in various locations will not be permitted.

A14 Approvals from other Authorities

The Proponent must, where applicable, seek approval of other public authorities where relevant including, in particular, the construction of structures below the mean high water mark and for any temporary dewatering which may be required.

A15 Roadworks in Classified Roads – Requirements of the NSW Roads and Traffic Authority

All roadworks associated with this development and construction of access points to this site shall be at no cost to the Council or the RTA. All works within the road reserve are to be at the Proponent's cost and all signage shall be in accordance with the Roads and Traffic Authority's *Traffic Control at Worksites Manual*.

A16 Liquor Licensing Approval

This development may require consent from the Licensing Court as required by the *Liquor Act 1982*, prior to the issue of a final Occupation Certificate. If so, to protect the amenity of the surrounding residents, a clearly visible sign shall be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

PART B — PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Urban Design and Design Changes

B1 Design Change - Helipad

There shall be no permanent helipad construction on the Goodnight Island site and helicopter use at Goodnight Island is restricted to emergency use only. In this respect, a landing place (non-permanent) for an emergency helicopter shall be provided. This requirement shall be reflected on the Construction Certificate plans.

B2 Design Modifications

The following design changes are to be provided to ensure the development does not adversely affect the amenity of the area:-

- a) The roof edges and columns on the north side of the main complex building on Goodnight Island shall be as fine as possible and the specified glass should be as transparent as possible.
- b) Privacy screens are to be provided along the eastern edges of the proposed deck areas of No 76 Greenwell Point Road;
- c) Privacy screens are to be provided along the eastern and western edges of the proposed deck areas at No 84 Greenwell Point Road;
- d) The motorised door at the car park entry to No 76 Greenwell Point Road shall be removed to ensure this parking area provides unrestricted access to the general public.

Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B3 Materials, Colours and Finishes

External materials, colours and finishes shall be in accordance with the photomontages forming part of the Project Application documents and the Exterior Finishes Schedule. Any deviations from the noted are to be submitted to the Director for approval. Details are to be provided on the Construction Certificate.

Water Cycle Management

B4 Certificate of Compliance – Shoalhaven Water

The applicant is to apply under Section 305 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* for a Certificate of Compliance from Shoalhaven Water. Relevant conditions and requirements, including relevant Section 64 monetary contributions (where applicable) required to be adhered to, will be outlined in a Development Application Notice issued by Shoalhaven Water. A Certificate of Compliance (CC) must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water.

In the event that the development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

All conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a

Construction Certificate to be issued. Details are to be provided with the Construction Certificate.

B5 Water Supply – Goodnight Island

Goodnight Island is to be provided with an on-site water supply and is not to be connected to the reticulated water supply at Orient Point. Tertiary reclaimed water for non-potable purposes including toilet flushing and external irrigation of landscaped areas is to be provided in accordance with the *Concept Water Cycle Management Plan* prepared by Martens Consulting Engineers dated April 2008 and the *Addendum to the Water Cycle Management Plan* prepared by Martens Consulting Engineers dated June 2009. Details shall be provided with the Construction Certificate.

B6 Drinking Water – Goodnight Island

The non-reticulated drinking water supply on Goodnight Island for potable uses shall comply with the *Australian Drinking Water Guidelines 2004*, published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council. Details are to be provided with the Construction Certificate.

B7 Water Supply and Sewerage – No 76 and No 84 Greenwell Point Road

No 76 and 84 Greenwell Point Road shall be connected to the reticulated water supply, sewerage and stormwater system in accordance with the specifications of the relevant authorities. Details shall be provided with the Construction Certificate.

B8 Stormwater – Detailed Design

A detailed Stormwater Plan, including detailed design and engineering specifications, shall be prepared by a qualified practising Civil Engineer and in accordance with the requirements of Council, the *Concept Water Cycle Management Plan* prepared by Martens Consulting Engineers dated April 2008 and the *Addendum to the Water Cycle Management Plan* prepared by Martens Consulting Engineers dated June 2009 for Goodnight Island and No 76 and No 84 Greenwell Point Road.

This Plan shall include, among other things, the following:-

- a) Stormwater run off from the development site shall be provided such that the discharge for all design storm events up to and including the 100 year average recurrence interval does not have adverse impacts on the surrounding environment. This requires demonstration of how collection and disposal of stormwater run-off from all impervious surfaces can be conveyed without having adverse impacts on the surrounding environment.
- b) Permanent stormwater quality devices to collect pollutants that will be generated post development for No 76 and 84 Greenwell Point Road and Goodnight Island shall be provided. These devices should ensure stormwater is clear of debris and pollutants prior to discharge from the site (i.e. so as not to adversely impact on any water body and/or adjoining land). Pollutants include total phosphorus, total nitrogen, litter, floatable debris, organic debris, coarse sediments, suspended solids, road grit and oil. The stormwater treatment device(s) should have performance criteria in excess of 90% of litter, floatable debris, organic debris, coarse sediments, suspended solids, road grit and oil of gross stormwater pollutants.
- c) Details of the sustainable water management practices such as stormwater harvesting and re-use should be implemented as part of the development (i.e. toilet flushing, garden watering, cooling tower make-up etc).

- d) The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

These final design plans of the stormwater drainage systems shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate.

B9 Stormwater Infrastructure Management

A Stormwater Infrastructure Management Plan is to be prepared by a suitably qualified consultant that ensures measures continue to provide sufficient treatment to site stormwater runoff, such that the development continues to comply with the objectives of NSW EPA (2004), SEPP 62, the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006) and Ecologically Sustainable Development. This Plan shall include, but are not necessarily limited to, the following:

- a) Periodic inspection and cleaning of site gutters and roof drainage systems to ensure the water quality of captured roof runoff for potable supply;
- b) Periodic inspection of rainwater capture and storage tanks to minimise risk of blockage and to ensure quality of potable water supply to main storage tank;
- c) Periodic inspection and maintenance of the stormwater treatment wetland including vegetation management, removal of sediments and inspection of outlets and outlet protection works;
- d) Periodic maintenance of site landscaped areas including management of vegetation, pathways, removal of litter, etc, and;
- e) Periodic maintenance of landscaped areas including any swales, buffers and overland flow paths.
- f) Water sampling at strategic points in the river should be carried out on an on-going basis (i.e. at least quarterly and more frequently during periods of wet weather) with the reports submitted to Council within one month of the sampling being undertaken.

Details are to be provided with the Construction Certificate.

B10 Wastewater System – Goodnight Island

A detailed Wastewater Management Strategy, including detailed treatment plant design and engineering specifications, shall be prepared in accordance with the *Concept Water Cycle Management Plan* prepared by Marten's Consulting Engineers dated April 2008 and the *Addendum to the Water Cycle Management Plan* prepared by Marten's Consulting Engineers dated June 2009.

This Strategy must include, among other things, the following:-

- a) All wastewater generated by the proposed development must be treated and disposed of in accordance with the 'Concept Water Cycle Management Strategy' (2008) and the 'Addendum to Concept Water Cycle Management Strategy' prepared by Martens & Associates Consulting Engineers (2009).
- b) Final detailed designs and location on a site plan of the sewage collection and reticulation systems, including on-site water reclamation plant ("RWP") and sewage pump stations ("SPS"), reclaimed water reservoir, reclaimed water header tank, transfer mains and irrigation fields.
- c) The wastewater system including sewage collection and reticulation systems, on-site RWP and SPS, reclaimed water reservoir, reclaimed water header tank, transfer mains and irrigation fields should be located more than 100m from wetlands, Crookhaven River and Curleys Bay.
- d) The irrigation system is to be operated in accordance with the *Protection of the Environment Operations Act 1997*, and the *Environment Guidelines – Use*

of Effluent by Irrigation (Department of Environment and Conservation (NSW), 2004).

- e) All wastewater is to be treated to achieve tertiary level treatment with pathogen reduction.
- f) Treated effluent shall be irrigated on the site in accordance with the *Irrigation Plan* prepared by Martens & Associates Consulting Engineers (2009), dated 18 June 2009 plan number P0601331JD17_v1.
- g) Validation and verification testing is to be carried out in accordance with the NSW Department of Water and Energy, *Management of Private Recycled Water Schemes*, May 2008.
- h) All validation and verification testing is to be carried out by a NATA accredited laboratory.
- i) Soil moisture monitoring is to be carried out within the irrigation areas in accordance with 'Addendum to Concept Water Cycle Management Strategy' prepared by Martens & Associates Consulting Engineers (2009).
- j) All sewer and plumbing work shall conform to the requirements of AS 3500: 2003, *National Plumbing Code*.

Details shall be provided with the Construction Certificate.

B11 Wastewater Operations Management and Maintenance Plan – Goodnight Island

A Wastewater Operations Management and Maintenance Plan is required prior to the issue of a Construction Certificate to the satisfaction of the Council. This Plan shall include, but is not limited to, the following:-

- a) Outline the maintenance and operational requirements of the wastewater management system, indicating the responsible person/authority for each role.
- b) The required routine inspections, which are to be undertaken by the Council on a 6 monthly basis given the sensitive nature of the surrounding environments.
- c) Risk Assessments and Risk Management (including Critical Control Points) in accordance with the Interim NSW Guidelines for Management of Private Recycled Water Schemes.
- d) Operational and maintenance Procedures
- e) Operation Awareness and Training Plan
- f) Complaints handling
- g) Ongoing Monitoring Plan – includes all procedures for sampling and testing and the requirements for water quality compliance, site application and receiving environment monitoring and cross connection and backflow prevention testing.

B12 Emergency Response Plan – Wastewater System on Goodnight Island

An Emergency Response Plan is to be prepared prior to the issue of a Construction Certificate to the satisfaction of the Council. This Plan must outline the procedure in the event of a spillage or any other significant maintenance problem associated with the wastewater management system and shall be in accordance with the NSW Shellfish Program Requirements. This Plan must include, among other things, reporting all spills/breaches to the NSW Food Authority (NSW Shellfish Operations Officer) and the Council.

B13 Section 68 Approval – Wastewater System on Goodnight Island

A Construction Certificate for works that involve 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/or the 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.

B14 Flooding Plan

To ensure the development satisfactory addresses the flood risk, the following measures must be incorporated into the proposal and details shall be provided with the Construction Certificate.

- a) All habitable floor levels and entries to basement car park levels at No 76 Greenwell Point Road, No 84 Greenwell Point Road and on Goodnight Island shall be above the Flood Planning Level ("FPL") of 4.3 metres AHD;
- b) Construction methods and materials for all buildings and structures on land below the FPL shall be in accordance with *Shoalhaven City Council's Development Control Plan DCP 106: Floodplain Management, 2006* ("DCP 106")(Part A Schedule 3 and Schedule 4);
- c) All lighting and associated electrical works below the FPL must conform to the requirements in DCP 106 (Schedule 3 Part B).
- d) Evacuation/flood awareness program for the development to inform staff and guests upon arrival about flooding and evacuation procedures for the island.
- e) Emergency provisions for the duration of a flood (minimum 1 week supply) are to be stored on Goodnight Island in case of flood.
- f) Staff remaining on the Island during a flood is to include a fully trained First Aid Officer to ensure basic medical assistance can be provided to all guests should this be required.

Infrastructure, Building Work and Services

B15 Trade Waste & Backflow Policies

The proposal must comply with the requirements of Council's *Trade Waste Policy* and Council's *Backflow Prevention Policy*. Details are to be provided with the Construction Certificate.

B16 Owners Consent – Underbore (Goodnight Island)

Prior to undertaking works within Lot 338 DP 8789 Orama Crescent, Orient Point or within the adjoining road reserve for the construction of the underbore, owners consent and authorisation from the Council and the Land and Property Management Authority (formerly the Department of Lands) is required. This requirement shall be reflected on the Construction Certificate.

B17 Underbore Construction

The underbore shall be constructed in accordance with any requirements of NSW Maritime. Details shall be reflected on the Construction Certificate.

B18 Compliance with Building Code of Australia

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

B19 Structural Capability for Existing Structures

The structural capabilities of any existing structure shall meet the requirements of the BCA and may require engaging a structural engineer. Details are to be provided with the Construction Certificate.

B20 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 development. 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.

Remediation/Demolition/Earthworks

B21 Demolition

All demolition works are to be undertaken in accordance with *Australian Standard 2601-2001: Demolition of structures*. Details are to be provided with the Construction Certificate.

B22 Contamination Study – Goodnight Island

Prior to the issue of a Construction Certificate, the Proponent shall submit to the Certifying Authority, a Stage 2 Contamination Study in accordance with the requirements of the *Stage 1 Contamination Assessment* prepared by Marten's Consulting Engineers dated March 2007. Compliance with any recommended actions of this study will be required.

Upon completion of the remediation works on the site (if deemed necessary by the Stage 2 Contamination Study), the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses. Certification from the Certifying Authority that these requirements have been satisfied will be required prior to the issue of a Construction Certificate.

B23 Geotechnical Requirements

Construction shall be conducted in accordance with the recommendations presented in Section 3.7 of the *Preliminary Geotechnical Assessment* prepared by Marten's Consulting Engineers dated March 2006 and the *Landslide Risk Management Concepts And Guidelines* prepared by the Australian Geomechanics Society Sub-Committee on Landslide Risk Management dated March 2000, "Hillslope Engineering Practices". Details are to be provided with the Construction Certificate.

B24 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for No 76 Greenwell Point Road, No 84 Greenwell Point Road and Goodnight Island shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall cover, in particular, all site works where excavation is required at or below the 2.5 m AHD level and be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B25 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of the adjoining buildings, infrastructure and roads to No 76 Greenwell Point Road and No 84 Greenwell Point Road. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council.

Construction Management

B26 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. 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) hours of work;
- b) contact details of site manager;
- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and
- g) flora and fauna management.

B27 Traffic & Pedestrian Management Plan

Prior to the issue of a 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:

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to Council.

B28 Soil and Water Management Plan (Erosion and Sediment Control) Plan

Prior to the issue of a Construction Certificate, a detailed Soil and Water Management Plan, prepared by an appropriately qualified consultant, and accompanying specifications for the construction phase and operation of the development, prepared by a suitably qualified/experienced person and based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater*, Vol 1 4th Edition, March 2004", shall be lodged with the Construction Certificate plans. The controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained throughout the construction period and until revegetation measures have been established and in the case of operational measures for the life of the development. The plan shall include, but not be limited to:

- a) Provision for the diversion of runoff around disturbed areas;
- b) Location and type of proposed erosion and sediment control measures;
- c) Location of and proposed means of stabilisation of site access;
- d) Clearance of sediment traps on a regular basis and after major storms;
- e) Proposed site rehabilitation measures, including seeding of all bare un-

- grassed areas and turfing where erosion or scouring is likely to occur;
- f) Standard construction drawings for proposed erosion and sediment control measures;
- g) Monitoring of quality of discharge waters during construction and operational phase;
- h) Dewatering activities;
- i) Water treatment devices;
- j) Reporting.

B29 Construction Noise

A Construction Noise Management Plan shall be developed to ensure that all reasonably practicable noise control measures set out in AS2436 – 1981 will be employed during the construction phase to ensure compliance with noise limits. All construction work shall be restricted to the hours of 7am to 8pm Monday to Friday and 8am to 3pm Saturday. No work shall take place on Sundays or public holidays.

Traffic, Access and Car Parking

B30 Car Park and Service Vehicle Layout

The layout of the car park at No 76 and No 84 Greenwell Point Road shall comply with *Australian Standard AS2890.1: 1993 Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be line marked. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

B31 Car Parking Areas and Road Reserve – No 76 Greenwell Point Road

The following are to be undertaken for the car parking areas and road reserve for No 76 Greenwell Point Road, which are to be reflected on the Construction Certificate Plans. Works proposed within the road reserve will require referral to Councils traffic committee (including changes to kerbs, parallel parking, signage etc):-

- a) Adequate sight distance are to be provided for access points for both No 76 Greenwell Point Road, to ensure sight distances are achieved for intersection and pedestrian safety.
- b) An indented kerb shall be provided to enable a car to be temporarily parked while patrons register and hand over vehicles to the valet parking attendant;
- c) Disabled parking spaces are to be provided in accordance with the requirements of the *Building Code of Australia*.
- d) Construction vehicle management shall be outlined to ensure motorist and pedestrian safety during construction;
- e) The kerb and gutter along the frontage of the development in Jervis Street is to be setback to mitigate adverse traffic and parking impacts;
- f) Provide an appropriate pedestrian crossing facility (refuge or pedestrian blisters) on Jervis Street as close as practical to the restaurant/bar/café access, and an appropriate pedestrian crossing facility (refuge or pedestrian blisters) on Greenwell Point Road as close as practical to the Medical Centre access.
- g) The crossing of Jervis Street must be linked to the existing crossing on Greenwell Point Road (west of Jervis Street) by provision of footpath and pram ramp which will also require tree removal which should be compensated through additional plantings (75 litre pot size).
- h) The existing school zone signage/markings should be relocated if the new access points impact directly on these facilities.
- i) In order to improve the appearance of the building when viewed from the

street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

B32 Car Parking – Number of Spaces (No 76 and No 84 Greenwell Point Road)

Car parking spaces are to be provided in accordance with the "Addendum to the Traffic Impact Assessment" prepared by Martens Consulting Engineers dated June 2009. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B33 Number of Bicycle Spaces

A minimum of three (3) bicycle spaces are to be provided at No 76 and No 84 Greenwell Point Road. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B34 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy and AS 1428.1 – *Design for Access and Mobility*. Prior to the issue of a Construction Certificate a certificate certifying compliance with this condition from an appropriately qualified Access Consultant shall be provided to the Certifying Authority.

B35 Works in the Road Reserve - Road Opening Permit

Prior to undertaking any works within the road reserve, the Proponent must obtain the approval of the Council under Section 138 of the *Roads Act, 1993* prior to the issue of the Construction Certificate. The following details must be submitted to Council in order to obtain this approval:

- a) Pavement designs;
- b) Kerb and gutter, footpath crossing, stormwater drainage, footpath and street landscaping designs;
- c) Taxi stand parking designs;
- d) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan; and
- e) Insurance details.

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).

Health

B36 Mechanical Ventilation

All mechanical ventilation systems, required for kitchen/food areas and the basement car parking areas, shall be installed in accordance with Part F4.5 of the *Building Code of Australia* and shall comply with *Australian Standards AS1668.2 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 the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B37 Design of Food Premises

The construction and operation of the food premises shall comply with *the Food Act 2003*, *Food Regulation 2004*, *Australian and New Zealand Food Safety Standards 2001* and *Council's Food Premises Policy*. The applicant shall contact Council to arrange an inspection of the food premises prior to opening and shall complete an application form to register the food premises. Details are to be provided with the Construction Certificate.

B38 Noise – Plant and Machinery

Mechanical (plant and machinery) noise sources shall be installed with appropriate noise control treatment to ensure compliance with the project noise level criteria as outlined in the Acoustic Report at all times. Details are to be provided with the Construction Certificate.

B39 Pollution and Waste Management Plan – Goodnight Island

A Pollution and Waste Management Plan is to be prepared which outlines the correct containment and transportation of fuel, chemicals, waste (including storage on the Island), building and maintenance materials and other contaminants from and to Goodnight Island.

This Plan must address, among other things, the following:

- a) The requirements of the *NSW Shellfish Program Operational Manual* and should be to the satisfaction of the Council and the NSW Food Authority (NSW Shellfish Program).
- b) Outline a prohibition on refuelling, wash down and repairing of vessels while within the marina on Goodnight Island.
- c) Outline the requirement to label containers, use containers designed for the type of fuel/chemical, use small containers, and minimise types of chemicals used and stored on the Island;
- d) Use of a single site for waste storage on Goodnight Island, store waste in bins with lids, and screen waste storage area.

Details are to be provided with the Construction Certificate.

B40 Waste Minimisation and Management Plan

A Waste Minimisation and Management Plan for No.76 Greenwell Point Road, No 84 Greenwell Point Road and Goodnight Island shall be prepared in accordance with the requirements of Council's *Development Control Plan No.93 – Controls for Waste Minimisation and Management*. This plan shall consider site preparation/construction waste, ongoing waste generation and storage as well as waste reduction and resource recovery. This Plan shall be prepared to the satisfaction of the Council prior to the issue of a Construction Certificate.

Environment

B41 Habitat and Vegetation Management Plan – Goodnight Island

A Habitat and Vegetation Management Plan ("HVMP") shall be prepared by a suitably qualified and practising ecological consultant as outlined in the Statement of Commitments and the *Goodnight Island Habitat and Vegetation Management Plan Framework* prepared by Ecological Australia Pty Ltd dated June 2009 to the satisfaction of the Director prior to the issue of a Construction Certificate.

The following management issues/actions shall, among other issues, be outlined in the HVMP:-

- a) Restoration of the Bangalay Sand Forest Endangered Ecological Community;
- b) Retention and restoration of the existing Frog Pond (known as Pond 7) in the northern portion of the Island in accordance with Appendix 6 – Design Criteria for Green and Golden Bell Frog (*Litoria aurea*) Habitat (Adopted from Pyke and White (1996)) as outlined in the *Terrestrial Ecological Assessment and Management Plan* prepared by Ecological Australia dated March 2007;
- c) A minimum of 50 metres riparian buffer zone buffer to the wetland and Crookhaven River with no disturbance within the SEPP14 wetlands by restricting public access and undertaking rehabilitation such as weed and rubbish removal;
- d) To offset the loss of canopy trees, all areas of high conservation value with a native understorey and recovery potential are to be set-aside for regeneration;
- e) If significant trees require felling, small, manageable sections of the tree will be felled to allow an ecologist or wildlife handler the opportunity to inspect hollows and remove wildlife prior to their felling;
- f) Tree hollows on felled trees should be cut off the tree and attached to another tree on the site, preferably away from development areas as a way of retaining this important habitat resource;
- g) Weed and rubbish removal, access control and planting of native species in all natural areas.
- h) Retention of all trees outside of the approved development footprint;
- i) Filling of Ponds 4, 5 and 6 located outside the wetland area with virgin excavated natural material which resembles that of the existing site soils. Fill is to be placed in accordance with Australian Standards AS:3798 (2007) *Guidelines on Earthworks for Commercial and Residential Developments*.
- j) Construction of a boardwalk and bird hide within the disturbed area of the western wetland and restoration and weeding of this area of the wetlands.
- k) Use of previously cleared areas of low conservation value for building construction, water and wastewater infrastructure and recreational use;
- l) No use of herbicides, pesticides and other chemicals up-slope of, and within 20m surrounding the frog pond;
- m) Positioning cabins outside of the high conservation value;
- n) No cats and dogs allowed on the island; and
- o) Landscaping with native species (landscaped areas only).

B42 Bushfire and General Fire Safety Requirements – Goodnight Island

To ensure any potential bushfire or building fires on Goodnight Island are adequately mitigated, the following requirements are to be reflected on the Construction Certificate:-

- a) Internal sprinkler system for all buildings on the Island. Sprinkler system to be designed in accordance with AS 2118 Part 5 (for the cabins) and AS 2118 Part 4 (for the larger unit block and villa).
- b) Smoke alarms in all habitable rooms.
- c) An on-site fire crew to be trained by NSW Fire Brigade (“NSWFB”) or other appropriate agency.
- d) An on-site fire fighting vehicle/trailer, with appropriately sized pump, water cart and protective equipment to be on-site and operational at all times.
- e) Provide hydrants off the proposed ring main attached to the potable water source. Hydrants to be spaced at no more than 2 hose lengths (and preferably 1 hose length) to all buildings. A typical hose length is 30m.
- f) Hydraulic consultant should be engaged to provide detailed designs of sprinklers and hydrants.
- g) Prepare an emergency response plan between the NSWFB, NSW Rural Fire

Service and Goodnight Island.

B43 Pump-Out Facility – No 76 Greenwell Point Road

A boat effluent Pump-Out facility connected to the Council's reticulated sewerage system is to be provided at the proposed jetty at No 76 Greenwell Point Road to ensure impacts from additional boats resulting from the development are minimised. Details are to be provided with the Construction Certificate.

B44 Jetty and Marina Construction – Mesh Decking

The Jetty proposed at No 76 Greenwell Point Road and the Marina at Goodnight Island are to incorporate the use of light wells and mesh decking to reduce shading impact on sea grass communities. Details are to be provided with the Construction Certificate.

B45 Jetty and Marina Construction – Driven Piles

The construction of the Jetty at No 76 Greenwell Point Road and the marina at Goodnight Island are to be constructed using the driven piles to reduce impact on sea grass communities. Details are to be provided with the Construction Certificate.

B46 Final Landscape Plan

A Final Landscape Plan shall be provided which reflects, among other things, the following:-

- a) The riparian corridors are to be rehabilitated with fully structured local native riparian vegetation (trees, shrubs and groundcover species) at a density that would occur naturally at No 76 Greenwell Point Road, No 84 Greenwell Point Road and Goodnight Island;
- b) Screen planting along the eastern side of No 76 Greenwell Point Road to minimise overlooking;
- c) Screen planting along the eastern and western side of No 84 Greenwell Point Road to minimise overlooking;
- d) Native species only are to be used and therefore the exotic vine Star Jasmine (*Trachelospermum jasminoides*) proposed to be planted on the island shall be removed from the Landscape Plan.
- e) Only trees and other significant vegetation which are located within the development footprint (and within close proximity of such footprint) shall be removed.
- f) Screen planting within the footprint of the old tennis court to ensure visual amenity is retained.

Details are to be provided with the Construction Certificate.

B47 Sale of Oyster Lease

Documentary evidence is to be provided to the Certifying Authority demonstrating that the sale of Oyster Lease OL84/068 has been completed to the owner of the land and that the necessary licence details have been completed with NSW Industry and Investment (formerly NSW Department of Primary Industry (Fisheries)) prior to the issue of a Construction Certificate.

B48 Resort Operations Management Plan – Goodnight Island

An Operations Management Plan which outlines the operation of the development on Goodnight Island shall be prepared prior to the issue of the Construction Certificate. This Plan shall include, among other things, the following matters:

- a) Prohibit the collecting of seeds or shells from the wetland and saltmarsh areas through appropriate signage and/or barriers, and guest education.
- b) Information to be provided to guests regarding the local public transport systems that services the area;
- c) No pesticides are to be used on the Island;
- d) Provision of signage, bins, education, and staff cleanup in relation to littering;
- e) Prohibit fishing from the Island;
- f) Prohibition on refuelling, wash down and repairing of vessels while within the marina on Goodnight Island;
- g) Access to the riparian zone shall be prohibited through the use of signage and physical barriers such as fencing;
- h) Education packages to be given to all guests, visitors and staff members explaining the dynamics of the local environment, which shall include maps of accessible and non-accessible areas, the location of bins etc, and outline the requirements whilst on the Island and evacuation plans in case of flood, fire and any other emergency procedures;
- i) All guests are to be provided with flood evacuation information during their induction to the resort sites, which shall include the requirement to stay on the Island until floodwaters recede.
- j) Signage shall be used where possible to protect and conserve the local environment including oyster leases, riparian zones, and important flora and fauna habitat and mangrove boardwalk areas;
- k) Restriction on ferry service from No 76 Greenwell Point Road to Goodnight Island to 4 knot zones, and limited to two (2) return trips per hour;
- l) Exotic species shall not be brought onto the Island or planted near the riparian corridor and visitors should be encouraged not to trample or dispose of litter within the riparian zone.
- m) An on-site fire fighting vehicle/trailer, with appropriately sized pump, water cart and protective equipment in accordance with the requirements of the NSW Fire Brigade and the NSW Rural Fire Service is to be provided on-site and operational at all times.
- n) The Day Spa located on Goodnight Island is for Island patrons only and shall not be available for use by the general public.
- o) A maximum of 25% capacity of the restaurant on Goodnight Island shall be made available to the general public.

B49 Lighting Design

Any proposed external lighting system shall provide suitable light spillage mitigation measures within the development, in order to mitigate against any adverse light spillage impacts upon surrounding properties and shall be generally in accordance with the requirements of AS 4282 – *Control of Obtrusive Effects of Outdoor Lighting*. This requirement shall be reflected on the Construction Certificate plans with a compliance certificate from a recognised lighting design engineer.

Monetary Contributions

B50 Section 94 Monetary Contributions - Additional Services and/or Facilities

Prior to the issue of a Construction Certificate, the Proponent must pay contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)* as itemised in the following table:

Table 1: No 76 Greenwell Point Road and Goodnight Island

Project	Description	Rate	Qty	Total	GST	GST incl
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01 Road 2099	Greenwell Point Rd	\$29.19	37.7	\$1,100.46	\$0.00	\$1,100.46
01 ROAD 2100	Greenwell Point Rd	\$60.32	37.7	\$2,274.06	\$0.00	\$2,274.06
CW CFAC 0002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$639.60	37.7	\$24,112.92	\$0.00	\$24,112.92
CW FIRE 0001	Citywide Fire & Emergency Services	\$156.61	37.7	\$5,904.20	\$0.00	\$5,904.20
CW FIRE 0002	Shoalhaven Fire Control Centre	\$205.04	37.7	\$7,730.01	\$0.00	\$7,730.01
CW MGMT 2001	Section 94 Administration	\$425.47	37.7	\$16,040.22	\$0.00	\$16,040.22
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	\$163.87	37.7	\$6,177.90	\$0.00	\$6,177.90

Sub Total: \$63,339.77

GST Total: \$0.00

Estimate Total: \$63,339.77

A total contribution for No 76 Greenwell Point Road and Goodnight Island, currently assessed at the sum of **\$63,339.77** (i.e. 2009/2010 rate), or as indexed in future years, shall be paid to Shoalhaven Council prior to the issue of a Construction Certificate.

Table 1: No 84 Greenwell Point Road

Project	Description	Rate	Qty	Total	GST	GST incl
01 Road 2099	Greenwell Point Rd	\$29.19	15.9	\$464.12	\$0.00	\$464.12
01 ROAD 2100	Greenwell Point Rd	\$60.32	15.9	\$959.09	\$0.00	\$959.09
CW CFAC 0002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$639.60	15.9	\$10,169.64	\$0.00	\$10,169.64
CW FIRE 0001	Citywide Fire & Emergency Services	\$156.61	15.9	\$2,490.10	\$0.00	\$2,490.10
CW FIRE 0002	Shoalhaven Fire Control Centre	\$205.04	15.9	\$3,260.14	\$0.00	\$3,260.14
CW MGMT 2001	Section 94 Administration	\$425.47	15.9	\$6,764.97	\$0.00	\$6,764.97
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	\$163.87	15.9	\$2,605.53	\$0.00	\$2,605.53

Sub Total: \$26,713.59

GST Total: \$0.00

Estimate Total: \$26,713.59

A total contribution for No 84 Greenwell Point Road, currently assessed at the sum of **\$26,713.59** (i.e. 2009/2010 rate), or as indexed in future years, shall be paid to Shoalhaven Council prior to the issue of a Construction Certificate.

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan and the total contribution levied will be adjusted

accordingly at the time of payment. (I.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

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

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The relevant plan is the *Shoalhaven City Council Contribution Plan 1993 and 2004* and a copy of these Section 94 Contribution Plans may be inspected at Shoalhaven City Council's Administrative Centre, Bridge Road, Nowra.

B51 Section 64 Monetary Contributions

Prior to the issue of a Construction Certificate, the Proponent must pay the Section 64 (Developer) charges relevant at the time of payment to Council pursuant to Section 64 of the *Local Government Act 1993*. The quantum of developer charges (Water Supply & Sewer) are those applicable at the time of payment and Council should be consulted to provide a final amount of contributions.

These charges to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment. A copy of the Section 64 contribution plans may be inspected at Shoalhaven City Council, Bridge Road, Nowra.

PART C — PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / 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. The Principal Certifying Authority 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*.

Structural Works

C2 Structural Details

Prior to the commencement of construction of the project, 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 complies with:

- a) the relevant clauses of the BCA,
- b) the relevant project approval,
- c) drawings and specifications comprising the Construction Certificate, and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

C3 Retaining Walls

Prior to commencement of any works a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Principal Certifying Authority (where required). The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

C4 Demolition Works

The demolition of the existing structures on the site shall be carried out in accordance with *Australian Standard AS 2601: The Demolition of Structures* and the requirements of the NSW WorkCover Authority. A Demolition Plan shall be provided to the PCA prepared by a suitably qualified person certifying that the demolition will comply with the safety requirements of the Standard. This plan and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Building Works

C5 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the land, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- a) 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:
 - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (ii) 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.
- b) 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.

C6 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.

Pollution Control

C7 Erosion and Sediment Control

Prior to commencement of work on the land, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

Services

C8 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works. The Proponent should

ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

Contact Details

C9 Contact Telephone Number

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

PART D — DURING CONSTRUCTION

D1 Construction of Wastewater Management System – Goodnight Island

The Wastewater treatment system as detailed in the approved Wastewater Management Strategy is to be installed in accordance with all of the specifications.

D2 Approved Management Plans

All works are to be constructed in accordance with the approved Management Plans.

Construction Management

D3 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, Council or the Principal Certifying Authority.

D4 Site Notice

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 all stages of 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) To state that unauthorised entry to the site is not permitted.

D5 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 of any stage of the project, shall be replaced, to the satisfaction of Council.

D6 Protection of Trees – On-site 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 of any stage of the project.

D7 Demolition

All demolition works are to be undertaken in accordance with *Australian Standard 2601-2001: Demolition of structures* at all times.

D8 Demolition – Removal of Asbestos Material

To ensure that the removal and transportation of any asbestos material from the premises is carried out in an environmentally acceptable and safe manner, all work shall comply with the:

- a) *Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001*;
- b) *Code of Practice for the Safe Removal of Asbestos* [NOHSC: 2002 (1998)];
- c) *Guide to the Control of Asbestos Hazards in Buildings and Structures* NOHSC: 3002 (1998);
- d) *Protection of the Environment Operations Act 1997*; and,
- e) Workcover NSW's "*Guidelines for Licensed Asbestos Removal Contractors*".

The applicant shall notify the Council of any proposed removal of asbestos material not less than 72 hours prior to the commencement of the work.

D9 Hoardings

During construction works, protection shall be afforded to users of any adjoining public places by the provision of suitable hoardings.

D10 Redundant Crossings

Any vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing must be restored. This work shall be carried out by a Council approved contractor at the Proponent's expense.

Structural Works

D11 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. The registered surveyor shall submit a plan to the Principal Certifying Authority certifying that structural works are in accordance with the approved project application.

Site Maintenance

D12 Erosion and Sediment Control

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 for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D13 Disposal of Seepage and Stormwater

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

D14 Dust Control Measures

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

- a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- b) 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,
- c) All materials shall be stored or stockpiled at the best locations,
- d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- e) 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,
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- h) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration

D15 Hours of Work

The hours of construction, 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.

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) the work is approved through the Construction Noise and Vibration Management Plan; and
- d) 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.

D16 Construction Noise Objectives

The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by more than 5dB(A). Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the

measured construction noise level when comparing the measured noise with the construction noise objective.

D17 Construction Noise Management

During the construction of the project, the Proponent shall:

- a) 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:
 - (i) 9.00 am to 12.00 pm, Monday to Friday;
 - (ii) 2.00 pm to 5.00 pm Monday to Friday; and
 - (iii) 9.00 am to 12.00 pm, Saturday
- b) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

D18 Vibration Criteria

For all stages of the project, 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).

Heritage

D19 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

In the event that future works during the project disturb Aboriginal cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment, Climate Change and Water and the Jerrinja Local Aboriginal Land Council (LALC) must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment, Climate Change and Water and the Jerrinja LALC.

PART E — PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

There are no conditions relevant to this part

PART F — PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

Engineering

F1 Fire Safety Certificate

A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

F3 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The project approval and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

F4 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

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

F5 Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Occupation Certificate and shall state that the retaining walls have been designed and constructed in accordance with *AS4678-2002 Earth Retaining Structures* and is structurally sound.

F6 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/developer prior to the issue of any Occupation Certificate.

F7 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads adjoining No 76 Greenwell Point Road and No 76 Greenwell Point Road. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principal Certifying Authority, prior to issue of any Occupation Certificate.

Compliance Certificates and Certification

F8 Compliance Certificates

Prior to the issue of an Occupation Certificate, a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate - Water Reticulation;
- b) Compliance Certificate - Sewerage Reticulation;
- c) Compliance Certificate – Drainage.

F9 Certification of Wastewater System – Goodnight Island

Certification from an appropriately qualified and practicing Environmental Engineer shall be provided certifying that the Wastewater treatment system has been constructed in accordance with the approved Wastewater Management Strategy prior to the issue of an Occupation Certificate.

F10 Certification of Pump-Out Facility – No 76 Greenwell Point Road

Certification from an appropriately qualified and practising Environmental Engineer shall be provided certifying that the Pump-Out facility at No 76 Greenwell Point Road has been constructed in accordance with this approval prior to the issue of an Occupation Certificate.

F11 Certificate of Compliance – Shoalhaven Water

A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate.

F12 Certification – Accessibility

Prior to the issue of an Occupation Certificate, certification from an accredited access consultant shall be provided certifying that the buildings comply with the requirements of AS 1428.1 – *Design for Access and Mobility*.

F13 Survey of Flood Planning Levels

The submission of certification from a registered surveyor to the Principal Certifying Authority and Council certifying that the minimum floor level of RL 4.3m AHD and the relevant basement driveway entrance crest and fire stairs levels have been achieved is required prior to the issue of an Occupation Certificate.

F14 Validation report – Acid Sulfate Soils

A Validation Report confirming satisfactory compliance with the “*Acid Sulfate Soil Management Plan*” shall be submitted to the PCA prior to the issue of an Occupation Certificate.

F15 Site Audit report

Prior to the issue of an Occupation Certificate, a Site Audit Statement where one was necessary, prepared by an Accredited Site Auditor, shall be submitted to the PCA certifying that the site has been remediated to a level commensurate with the proposed use.

Services

F16 Utilities –Telephone and Electricity Services

Certification from the relevant service authorities are required certifying that the project has been satisfactorily connected to all available services (water, electricity and telephone) in accordance with this approval prior to issue of the Occupation Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Easements

F17 Registration of Easements and Restrictions to use

The creation of easements for services, rights of carriageway 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 where required;
- b) Drainage Easements are to be placed over all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners where required. Maintenance of the subsurface drains is to be included in the 88B instrument;
- c) A restriction on the use of the land known as Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient Point that such two (2) allotments are bound together for the life of the development; and
- d) A restriction that no cats, dogs or other animals are permitted to be taken to Goodnight Island (with the exception of Assistance Dogs and Guide Dogs).

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation. The restriction is to be clearly marked on the title and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Evidence that such easements and restrictions have been made and registered is required prior to the issue of an Occupation Certificate.

PART G—POST OCCUPATION & USE OF THE PREMISES

Fire Safety

G1 Annual Fire Safety Certification

The owner of the buildings shall certify to Council every year that the essential services installed in the buildings 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.

Traffic and Parking

G2 Loading and Unloading

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

G3 Unobstructed Driveways and Parking Areas

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

G4 Car Parking Restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant, tenant or customer of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through signs visible at exits (excluding fire stairs and individual unit entries) from car parking areas to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

G5 Car Parking

To ensure adequate and appropriate car parking is provided for the development, the following requirements shall be incorporated into the operation of the development:-

- a) All parking on Level B2 at No 76 Greenwell Point Road shall be valet parking only.
- b) The Car Stacker will be used for guests of Goodnight Island staying a minimum of 2 days. When vehicles are required, the valet car parking service will be able to retrieve the vehicle.
- c) All public parking for 76 Greenwell Point Rd (for retail and café use) shall be provided on Level B1. Cars are to be manoeuvred by the car owners, with direction from valet parking attendant. A boom gate and sign will provide the mechanism for preventing vehicles from entering Level B2. A stopping zone shall be provided at the top and bottom of the ramp to allow temporary vehicle placement if the ramp is being used.
- d) All vehicles shall enter and leave both 84 and 76 Greenwell Point Road in a forward direction.
- e) Service vehicles must also enter and leave the site in a forward direction,

which restricts the loading zones to light vans only.

Noise

G6 Noise Control – Licensed Premises

The LA10 noise level emitted from any licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence. Notwithstanding the requirements of this condition, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

G7 Noise Control – Plant and Machinery

Noise and vibration from the use and operation of any plant and equipment during occupation of the premises shall not give rise to "Offensive Noise" to any person as defined by the *Protection of the Environment Operations Act 1997* (NSW). The premises shall be operated in accordance with the recommendations and findings of the *Noise Impact Assessment* prepared by Marshall Day Acoustics dated 6 March 2007 with the following amendments:

- No use of the helipad on the site (except for emergencies);
- The proposed amphitheatre on Goodnight Island shall not be used after 11pm each day and is not to be used for amplified music.
- Use of the amphitheatre should not result in sound levels at the boundary of the nearest sensitive receiver exceeding 5dBA above the L90 background level. The source noise level shall be assessed as LAeq, 15 min. and adjusted in accordance with the Environment Protection Authority's (EPA) *Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content*.

Hazardous Materials

G8 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access

G9 Public Way to be Unobstructed

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

General Operation of the Land

G10 Wastewater Management System

The Wastewater management system shall be maintained and monitored in accordance with the requirements set out in the approved Management Plans at all times.

G11 Pollution and Waste Management

The Pollution and Waste Management Plan shall be enforced throughout the operation of the development.

G12 Use of Marina and Jetty

Use of the marina and Jetty are to be undertaken in accordance with the requirements of the Land and Property Management Authority and NSW Department of Industry and Investment at all times.

G13 Habitat and Vegetation Management Plan

The Habitat and Vegetation Management Plan shall be complied with throughout the operation of the development.

G14 Operations Management Plan

The Operations Management Plan shall be complied with throughout the operation of the development.

G15 Potable Water Supply

The potable water supply on Goodnight Island shall, at all times, comply with the *Australian Drinking Water Guidelines 2004*.

G16 Use of No 76 Greenwell Point Road and Goodnight Island

Lot 1 DP 1070720 (No 76) Greenwell Point Road Greenwell Point and Lot 52 DP 223963 (Goodnight Island) Orama Crescent Orient are to be used in association with each other for the resort on Goodnight Island at all times.

SCHEDULE 3

MP 06_0034

**TOURIST AND COMMERCIAL DEVELOPMENT
NO 76 & 84 GREENWELL POINT ROAD GREENWELL POINT &
GOODNIGHT ISLAND ORIENT POINT**

**STATEMENT OF COMMITMENTS
(SOURCE: PREFERRED PROJECT REPORT)**

Item	Commitment	Timing
General	The developer will carry out the development in accordance with this Environmental Assessment (EA), and as amended by this Preferred Project Report prepared by Cowman Stoddart dated July 2009, plans prepared by <i>studiointernationale</i> , and supporting reports.	For the duration of the development.
Legislative Controls/Requirements	<p>The developer will obtain and maintain the following licences, permits and approvals for the development:</p> <ul style="list-style-type: none"> • Shoalhaven City Council or Principal Certifying Authority – Construction Certificates for all building works and in compliance with the Building Code of Australia. The application for Construction Certificate will contain Design Drawings submitted containing, where relevant, detailed designs relating to buildings, earthworks, drainage, Soil erosion and Sediment Control, tree clearing and site stability, roadworks, footpaths/cycleways, and sewerage works, and landscaping. • Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993); • Shoalhaven City Council – Section 68 of the Local Government Act – approval for plumbing and drainage fixtures; • Integral Energy - (Level 3?) Design Certification; • Integral Energy - Notification of Arrangement; • Telstra - Compliance Certificate; • Shoalhaven Water - Compliance Certificate. 	For the duration of the development.
Construction Management	<p>The developer will prepare a comprehensive Construction Management Plan to fully detail the works proposed, mitigation and amelioration measures in order to avoid and reduce environmental impacts.</p> <p>All works are to be undertaken in accordance with the Construction Management Plan.</p>	Prior to the issue of a Construction Certificate.
Ecological	<p>The developer will have an appropriately qualified ecological consultant finalise the preparation of a Habitat and Vegetation Management Plan in accordance with the outline submitted with this PPR.</p> <p>The developer will comply with the requirements of the approved Habitat and Vegetation Management Plan.</p>	<p>For the life of the development.</p> <p>Prior to release of Construction Certificate.</p> <p>For the life of the development.</p>

Wastewater Management	A Detailed Wastewater Management Strategy, including detailed treatment plant design and engineering specifications, will be prepared in accordance with the Concept Water Cycle Management Strategy prepared by Martens Consulting Engineers.	Prior to the release of a Construction Certificate for development on Goodnight Island.
	The wastewater treatment system as detailed in the Wastewater Management Strategy is to be installed in accordance with all specifications.	Prior to the issue of an Occupation Certificate.
	The wastewater treatment system is to be maintained and monitored in accordance with the requirements set out in the Wastewater Management Strategy.	For the life of the development.
	The developer will prepare a soil and water management plan to control run off during construction in accordance with the principles of the Landcom publication <i>Managing Urban Stormwater (MUS): Soils and Construction</i> Volume 1, 4th Edition (the Blue Book).	Prior to the issue of a Construction Certificate
Erosion and Sedimentation Control	The developer will implement all requirements of the soil and water management plan.	For the life of the development.
	The three small man made dams on Goodnight Island which are to be filled shall be done so using VENM which resembles existing site soils and is to be placed in accordance with AS 3798 – Guidelines on Earthworks for Commercial and Residential Developments.	In carrying out the works.
Filling	For development on Goodnight Island, the developer will commission further testing of soils for SPOCUS in all development areas below 2.5m AHD.	Prior to the issue of a Construction Certificate.
	For development at Greenwell Point, further assessment of presence of actual acid sulfate soils will be undertaken.	Prior to the issue of a Construction Certificate.
	An Acid Sulfate Soils Management Construction Plan will be prepared to outline the presence of actual Acid Sulfate Soils is detailed and management recommendations made.	Prior to the issue of a Construction Certificate.
	The developer will undertake all development in accordance with the Acid Sulfate Soils Management Construction Plan.	During all excavation works.
Acid Sulfate Soils	Helicopter movements and management will be restricted in accordance with the consideration of Heli-Consultants Pty Ltd and Marshall Day Acoustic Impacts.	For the life of the development.
	The developer will prepare a Waste Minimisation and Management Plan	Prior to the release of
Waste Minimisation and		

Management	for all works, and for the ongoing operation of the development, in accordance with Development Control Plan No. 93 for approval by Shoalhaven City Council for implementation.	Construction Certificate and implemented for the life of the development.
Construction	The developer will prepare a detailed Construction Management Plan for approval by Shoalhaven City Council including education of workers in the approvals and conditions requiring compliance (including soil erosion and sediment controls, flora and fauna and aboriginal archaeological issues), details of the environmental management procedures during the development and measures relating to waste minimisation and management.	Prior to the commencement of construction and for the duration of the development.
	The CMP shall include a management regime for the construction process to ensure that no other wastes (including building rubble, garbage, contaminants, fuels, oils, paints or other chemicals) are discharged from the construction area, and that all such wastes and contaminants are contained within the construction footprint and are appropriately managed.	Prior to the commencement of construction and for the duration of the development
	The use of sediment fences and other appropriate control measures during construction activities to manage and/or avoid erosion and sediment discharge or the discharge of other contaminants.	Prior to the commencement of construction and for the duration of the development
Fire Management at Goodnight Island	The developer will undertake all construction on Goodnight Island to comply with Level 1 of AS 3959 – Construction of buildings in bush fire prone areas and will demonstrate such compliance on Construction Certificate plans.	Prior to the release of the Construction Certificate and during construction.
	The developer will implement all procedures identified in the correspondence dated 25/5/2009 by Martens Consulting Engineers including installation of internal sprinkler system, smoke alarms, on site fire fighting vehicle/trailer, hydrants and back up pumps as necessary.	During construction and maintained for the life of the development.
	The developer will ensure that an on-site crew (minimum of 1 person) is trained by the NSWFB or NSW RFS and is on site at all times.	For the duration of the development on Goodnight Island.
Flooding	The developer will prepare a detailed Flood Evacuation Plan.	Prior to the issue of Construction Certificate.
	The operators will always maintain suitable provisions to enable ongoing	During the life of the

Cultural Heritage	occupation of the sites during a 1% AEP flood event, minimum of 7 days.	development.
	The developer will implement the management and mitigation measures recommended in the report prepared by Cathy Dunn.	For the duration of the development.
	The developer will inform the Jerrinja Local Aboriginal Land Council if any Aboriginal object is located during construction	Ongoing through the construction of development on Goodnight Island.
Infrastructure	Electricity and Telecommunications	
	The developer will provide power to the development in accordance with the requirements of Integral Energy	Prior to the issue of an Occupation Certificate.
	The developer will provide telecommunications infrastructure to the development in accordance with requirements of Telstra.	Prior to the issue of an Occupation Certificate.
	Water and Sewer Services – Greenwell Point	
	The developer will provide reticulated water and sewerage services to the development in accordance with the requirements of Shoalhaven Water.	Prior to the issue of an Occupation Certificate.
	Wastewater Management – Goodnight Island	
	A Detailed Wastewater Management Strategy, including detailed treatment plant design and engineering specifications, will be prepared in accordance with the Concept Water Cycle Management Strategy prepared by Martens Consulting Engineers.	Prior to the release of a Construction Certificate for development on Goodnight Island.
	The wastewater treatment system as detailed in the Wastewater Management Strategy is to be installed in accordance with all specifications.	Prior to the issue of an Occupation Certificate.
	The wastewater treatment system is to be maintained and monitored in accordance with the requirements set out in the Wastewater Management Strategy.	For the life of the development.
	Water Supply – Goodnight Island	
	The developer will maintain a potable water supply through the use of collected rainwater for storage on site and use by development on Goodnight Island.	Details prior to Construction Certificate and maintained for the life of the development.
	Underbore	
	The developer will consult with Shoalhaven Council and other relevant agencies, obtain appropriate licences and approvals as necessary for the provisions of underbore/s as required in order to provide power and	Prior to the issue of a Construction Certificate for development on Goodnight

	telecommunications facilities to development on Goodnight Island.	Island.
Site Landscaping	At Goodnight Island, the developer will use native species, endemic to the locality in the preparation of detailed landscaping plans and subsequent works undertaken in conjunction with the development and will be in accordance with the Concept Plans and principles prepared by OCULUS Landscape Architects.	For the duration of the development.
	At Greenwell Point, the properties will be landscaped in accordance with detailed landscaping plans to be prepared by a suitably qualified landscape architect, and maintained for the life of the development.	Detailed plans to be prepared prior to Construction Certificate and implemented prior to Occupation Certificate and maintained for the life of the development.
Developer Contributions	The developer will pay Section 94 developer contributions in accordance with Shoalhaven City Council's Section 94 Contributions Plan.	Prior to the release of the Construction Certificate.
	The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Prior to the release of the Construction Certificate.
Signage	The developer will provide signage in accordance with the provisions of DCP 89 – Exempt and Complying Development or as otherwise approved by Shoalhaven City Council.	For the life of the development.