
Project Approval

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

I, the Director-General, as delegate for the Minister for Planning under delegation executed on 4 March 2009, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- Adequately mitigate the environmental impact of the project;
- Maintain water quality; and
- Protect the environmental qualities of the site.



Sam Haddad
Director-General
as delegate for the Minister for Planning

Sydney, 24th July 2009

SCHEDULE 1

PART A—TABLE

Application made by:	Caddey Searl and Jarman on behalf of Jellat Pastoral Company.
Application made to:	Minister for Planning.
Project Application Number:	MP06_0195.
On land comprising:	Part Portions 24, 25 and 88 Parish of Bega and Portion 158 Parish of Wallagoot, Wallagoot Lane, Jellat Jellat.
Local Government Area	Bega Valley Shire Council.
For the carrying out of:	A seven lot rural subdivision to create six (6) rural (dwelling) lots and one residue lot.
Type of development:	Project Application.
Determination made on:	24 July 2009.
Date approval is liable to lapse:	5 years from the date of determination.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0195

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise.

Council means Bega Valley Shire Council.

CPI means Consumer Price Index.

DECC means the Department of Environment and Climate Change.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Caddey Searl & Jarman and dated June 2008, including all Appendices.

EP&A Act 1979 means the *Environmental Planning and Assessment Act 1979* (NSW).

Minister means the Minister for Planning.

Project means the project as described in Condition A1 to this approval.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Proponent means Caddey Searl & Jarman on behalf of Jellat Pastoral Company or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Response to Submissions means the Response to Submissions prepared by Caddey Searl & Jarman dated March 2009.

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0195

PART A – ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- 1) Subdivision into seven lots comprising six concessional lots and one residue lot; and
- 2) Construction of an internal access road off Wallagoot Lane.

A2 Staging

The project is to be constructed in five (5) stages, generally as follows:

- 1) Stage 1: Lot B and residue
- 2) Stage 2: Lot A and residue
- 3) Stage 3: Lots C and D and residue
- 4) Stage 4: Lot E and residue
- 5) Stage 5: Lot F and Residue Lot H

It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

A3 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment and the following drawings:

Project drawings prepared by Caddey Searl & Jarman, Consulting Surveyors and Property Valuers			
Drawing No.	Revision	Name of Plan	Date
Ref 45613		Detail	June 2009
Ref 45613		Plan showing agricultural class boundary	June 2009
Ref 45613		Site Analysis	June 2008
Ref 45613		Storm Water Management	June 2009

A4 Project in Accordance with Documents

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

- (1) *Environmental Assessment Report* prepared by Caddey Searl & Jarman on behalf of Jellat Pastoral Company, dated June 2008, subject to revised staging;
- (2) *Flora and Fauna Impact Assessment* prepared by Jackie Miles dated 22 November 2007;

- (3) *On-Site Sewage Management Report* prepared by Caddey Searl & Jarman dated 29 January 2007;
- (4) *Bushfire Report* prepared by Caddey Searl & Jarman dated 5 November 2007;
- (5) Letter from Bega Traditional Aboriginal Elders Council Inc dated 11 January 2007;
- (6) Traffic Impact Statement prepared by Andrew Marshman & Associates Pty Ltd Consulting Structural and Civil Engineers dated 15 May 2007;
- (7) *Response to Submissions* prepared by Caddey Searl & Jarman on behalf of Jellat Pastoral Company, dated March 2009; and
- (8) *Statement of Commitments* prepared by Caddey Searl & Jarman undated.

A5 *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 A3 and A4, the conditions of this approval prevail to the extent of the inconsistency.

A6 *Certification*

- 1) Construction Certificate

Prior to the commencement of any subdivision/construction works, the proponent must obtain a Construction Certificate from either the Council or an accredited certifier.

- 2) Subdivision Certificate

Prior to the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919 (NSW)* for any allotments in any stage within the subdivision, a Subdivision Certificate pursuant to sections 109C(1)(d) and 109D of that Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

A7 *Erection of a Dwelling*

This approval does not relate to the erection of dwellings on any of the lots, as this will be subject to separate prior approvals from Council.

A8 *Qualifications and insurance of engineering designers*

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance.

A9 *Contractor's insurance*

All contractors engaged in the construction of subdivision work must hold current public liability insurance for an amount of not less than \$20,000,000 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of subdivision works Council must be provided with evidence of the currency of this insurance.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Subdivision works

B1 Final road design plans for each stage

Subdivision works

The following subdivision work shall be designed (in Engineering Design plans), and submitted to Council for approval and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, for example, DCP No.2) as current at the date of the relevant Construction Certificate, and in accordance with sound engineering practice:

(a) Stage 1 (Lot B and residue):

Roadworks

- 1) Design (full engineering design plans) and construction of a 'type BAL' **intersection treatment** at the junction of the proposed right of carriageway with Wallagoot Lane in conformity with the standards specified in the RTA's *Road Design Guide* and shown as Figure 4.8.35. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment 80 km/h along Wallagoot Lane. The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council to be assessed for approval.
- 2) Design (full engineering design plans) and construction of the following in the proposed right of carriageway from its intersection with Wallagoot Lane to 20 metres past the access driveways to Lot B:
 - i) 4 metre wide gravel road,
 - ii) 200mm thick compacted gravel pavement,
 - iii) metre wide table drains as necessary,
 - iv) all associated stormwater and subsoil drainage works,
 - v) installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the RTA, and
 - vi) all other works necessary to achieve the above.

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

- 3) Design and construction of a **vehicular entrance** serving Lot B in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the RTA's *Road Design Guide*.

(b) Stage 2

Subdivision works Stage 2 (Lot A & residue)

Roadworks

- 1) Design (full engineering design plans) and construction of the following in the proposed right of access from its intersection with Wallagoot Lane to 20 metres past the access driveway to Lot A:

- 4 metre wide gravel road,
- 200mm thick compacted gravel pavement,
- 1.0 metre wide table drains as necessary,
- all associated stormwater and subsoil drainage works,
- installation of guideposts, protection fencing and signposting to the standards specified in the RTA's *Road Design Guide*, and
- all other works necessary to achieve the above.

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

- 2) Design and construction of a **vehicular entrance** serving Lot A in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the RTA's *Road Design Guide*.

(b) Stage 3

Subdivision works Stage 3 (Lots C, D and residue)

Roadworks

- 1) Design (full engineering design plans) and construction of a 'BARBAL' intersection treatment at the junction of the proposed right of access with Wallagoot Lane in conformity with the standards specified in the RTA's *Road Design Guide*. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment 80km/h along Wallagoot Lane.

The right turn treatment is to be in accordance with a BAR treatment, Figure 4.8.23. A verge in accordance with section 3.6 of the *Road Design Guide* shall be constructed outside the BAR.

The left turn treatment is to be in accordance with a BAL treatment, Figure 4.8.35 (constructed in Stage 1). The gate or grid at the entrance to the property shall be indented a minimum of 20 metres from the edge of the through carriageway of the highway.

The design shall ensure no water is directed onto the formation of the through roadway. The applicant is required to provide suitable drainage, including structures if necessary, underneath the driveway. Drainage headwalls shall be located outside the roadway Clear Zone. The width of the Clear Zone must comply with Section 3.7 of the RTA's *Road Design Guide*. The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

- 2) Design (full engineering design plans) and construction of the following in the proposed right of access from 20.0 metres past the access driveways to Lots A and B (Stages 1 and 2) to 20 metres past the access driveways to Lots C and D:
 - 4 metre wide gravel road,
 - 200mm thick compacted gravel pavement,
 - 1.0 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the RTA's *Road Design Guide*,
 - erection of street name sign, and
 - all other works necessary to achieve the above.

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%. If this can not be achieved, the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming the access complies with those grade requirements.

- 3) Design and construction of **vehicular entrance(s)** serving Lots C and D in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the RTA's *Road Design Guide*.
- d) Stage 4

Subdivision works Stage 4 (Lot E & residue)

Roadworks

- 1) Design (full engineering design plans) and construction of the following in the proposed right of access from 20 metres past the access driveways to Lots C and D (Stage 3) to the access driveways to Lot E:
 - 4 metre wide gravel road,
 - 200mm thick compacted gravel pavement,
 - 1.0 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the RTA's *Road Design Guide*,
 - erection of street name sign, and
 - all other works necessary to achieve the above.

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

- 2) Design and construction of **vehicular entrance** serving Lot E in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the RTA's *Road Design Guide*.

- (c) Stage 5

Subdivision works Stage 5 (Lot F & residue Lot H)

Roadworks

- a) Design (full engineering design plans) and construction of a 'type BAL' **intersection treatment** at the junction of the access driveway to Lot F with Wallagoot Lane in conformity with the standards specified in the RTA's *Road Design Guide* and shown as Figure 4.8.34. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment 80 km/h along Wallagoot Lane.

The proponent shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council to be assessed for approval.

NSW Rural Fire Services Requirements

B2 Bushfire Protection and Management

Provision of services and access are to comply with the following requirements of *Planning for Bushfire Protection 2006*:

- (1) Water supply for fire fighting purposes in accordance with section 4.1.3.
- (2) Public access in accordance with section 4.1.3.

Details of compliance with those requirements are to be submitted to and approved by the Council or the Certifying Authority prior to the issue of a Construction Certificate for each stage.

Construction Management

B3 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, 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 the following matters where relevant, including:
 - a) hours of work;
 - b) contact details of site manager;
 - c) traffic and pedestrian management; and,
 - d) erosion and sediment control.

B4 Traffic Control Plan

No work shall be carried out within 3 metres of the public road carriageway subject to motor vehicle traffic until Council has approved a satisfactory Traffic Control Plan relating to that work, and the RTA has approved any associated Roadworks Speed Limit.

The Plan shall be prepared by a person authorised by the RTA to prepare such plans. It must bear the name, signature and Traffic Control at Worksites Certificate Number of the person who prepared it.

All measures described in the Plan shall be implemented and maintained for the duration of any work within or adjacent to the road carriageway.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Subdivision Works

- 1) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of subdivision works on the site for each stage of the project.
- 2) 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 a notice under section 81A of the *Environmental Planning and Assessment Act 1979*.

Pollution Control

C2 Erosion and Sediment Control

Prior to commencement of works on the site for each stage of the project, 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 PCA or Council.

Contact Details

C3 Contact Telephone Number

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

PART D—DURING CONSTRUCTION

Construction Management

D1 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, or Council.

D2 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:

- 1) details of the builder, PCA, and structural engineer for all stages of the project;
- 2) the approved hours of work;
- 3) 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; and
- 4) that unauthorised entry to the site is not permitted.

Certification and inspection of subdivision work

D3 Certification and inspection of subdivision work

The subdivision works must be inspected and tested either by Council, or the PCA at each of the following stages of construction to confirm compliance with the standards set out in Council's Technical Specification for Civil Engineering Works.

Before the endorsement of the Subdivision Certificate for the project, a Completion of Engineering Works Certificate must be obtained from Council (where Council is the PCA), to demonstrate that all subdivision works have been completed.

Where Council is not the PCA, documentary evidence shall be provided by the PCA to Council demonstrating compliance at the following stages:

- a) after placement of all signs and control measures in accordance with the approved Traffic Control Plan;
- b) after stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage;
- c) after completion of road subgrade;
- d) after placement and compaction of each layer of gravel pavement material;
- e) during application of bitumen seal or asphaltic concrete wearing surface;
- f) after laying and jointing of all stormwater pipelines prior to backfilling;
- g) after completion of works; and

- h) as otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and certificates, which must be paid prior to the endorsement of a Subdivision Certificate.

D4 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 to protect root system, trunk and branches, during construction of any stage of the project, to the satisfaction of the PCA or Council.

The trees not approved for removal are the existing remnant trees, eucalypts, including standing dead trees on Lot D (in a line running down the gully slope), and Lot E (adjacent to the southern boundary).

Site Maintenance

D5 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 for each stage of the project, 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, to the satisfaction of the PCA or Council.

D6 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:

- (1) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (2) All materials shall be stored or stockpiled at the best locations,
- (3) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (4) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,

Noise and Vibration

D7 Hours of Work

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;

- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) 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.

D8 Construction Noise Objective

- 1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- 2) Background noise levels are those 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.
- 3) Any activities with potential for noise emissions exceeding the construction noise objective must be identified and managed in accordance with the approved Construction Management Plan to the satisfaction of the PCA or Council.
- 4) If 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.

D9 Construction Noise Management

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they shall be installed only where approved in the Construction Management Plan.

D10 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

Heritage

D11 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D12 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

In the event that future works during any stage of 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 and Climate Change, the Bega Traditional Aboriginal Elders Council Inc, relevant Local Aboriginal Land Council (LALC) and the relevant local Aboriginal community 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 those bodies, where relevant.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 *Part 4A Certificate*

Prior to the registration of the final subdivision plan by the NSW Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *EP&A Act 1979* for each stage of the subdivision.

E2 *Compliance Certificate*

Prior to the application for a Subdivision Certificate for each stage of the subdivision a Compliance Certificate(s) shall be obtained from Council or the PCA for Roads and Drainage.

Earthworks

E3 *Defects Liability Period*

- a) The proponent shall remedy any defects in the subdivision works arising within six months after the completion of the works and shall make good any damage caused to any Council property as a consequence of doing anything to which this approval relates.
- b) If the Subdivision Certificate is issued prior to the expiry of the defects liability period, the Council must first be provided with a security deposit or unconditional bank guarantee in a form acceptable to Council, in an amount of 5% of the value of the approved subdivision works. This amount is security for remedying any defects in the subdivision works that arise within that period, and for making good any damage caused to Council property as a consequence of the doing of anything to which the approval relates. The funds realised from this security may be paid out by Council to meet any costs referred to in paragraph (a) above. A Bond Administration Fee may be also payable to Council.
- c) This condition is authorised by section 80A(6) to section 80A(10) of the *EP&A Act 1979*.

Easements

E4 *Registration of Easements / Restrictions to use / Right of carriageway*

Easements for services

- 1) The plan of subdivision for each stage shall establish easements for services as necessary to provide for the connection of electricity services to each lot.

Right of access

- 2) The plan of subdivision for each stage shall establish right(s) of access to each lot containing physical access to that land and not less than 20 metres wide.

Restriction as to user

- 3) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants, with the Council as beneficiary and with sole authority to release, vary or modify those covenants. Wherever possible, the extent of the land affected by bearing and distances shown on the plan of subdivision shall define the following covenants:

- i) Prohibiting Lot A, B and F from having direct vehicular access to and from Wallagoot Lane except at the location defined on the plan of subdivision in conformity with the approved plans.
- ii) Prohibiting the disposal of treated or untreated sewage or septic tank effluent, except within the nominated effluent disposal envelope (that is that is, outside of the buffers identified on Drawing No. 45613, titled 'Stormwater Management', dated 5 June 2008), as identified on the approved plans, and as per on-site sewage management Option 2 (Secondary treated effluent and absorptive trench/bed) detailed in the *On-site Sewage Management Report*, or as subsequently identified in an updated site assessment to the satisfaction of the Council or the PCA.
- iii) Prohibiting the erection of any building except within the nominated building envelope as shown on the approved plans.
- iv) Requiring the provision of Asset Protection Zones in accordance with *Planning for Bush Fire Protection 2006* (Appendix 2).
- v) Prohibiting the erection of buildings on land which is inundated by a 1:100 year average recurrence interval flood. The limit of the design flood must be defined on the plan of subdivision.
- vi) Prohibiting the removal of the existing remnant trees, and eucalypts, including standing dead trees on Lot D (in a line running down the gully slope), and Lot E (adjacent to the southern boundary), as shown on the approved plans (Drawing No. 45613, titled 'Detail', dated 5 November 2007).
- vii) Prohibiting the keeping of domestic dogs and cats on all lots within the approved plans.

Bushfire Protection

E5 Emergency evacuation

The project is to provide emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006* prior to issue of the Subdivision Certificate.

Services

E6 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Dedication of Land

E7 Dedication of road widening

The final plan of subdivision shall include the dedication as Public Road of such land necessary to contain the constructed road in use, and known as Wallagoot Lane over the frontages of all surveyed lots. The registered surveyor who prepares the plan of subdivision shall certify to the PCA or Council that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.

E8 *Encroachments onto Council's Road Reserve*

Prior to the issue of a Subdivision Certificate, any boundary fencing currently encroaching onto Council's road reserve shall be relocated onto the correct boundary alignment. The registered surveyor who prepares the plan of subdivision shall certify to the PCA or Council that the fence(s) are constructed wholly upon the property boundaries and shown on the plan of subdivision.

E9 *Road naming*

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

Monetary Contributions

E10 *Section 94 Monetary Contributions*

- 1) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*:

2) Amount of Contributions

Bega Valley Section 94 Contribution Plan No 1- Existing Rural Roads		
	Rate of contribution	Amounts
Stage 1	\$1038.00 per lot	\$1038.00
Stage 2	\$1038.00 per lot	\$1038.00
Stage 3	\$1038.00 per lot	\$2076.00
Stage 4	\$1038.00 per lot	\$1038.00
Stage 5	\$1038.00 per lot	\$1038.00
Bega Valley Contribution Plan No 2-Carparking		
	Rate of contribution	Amounts
Stage 1	\$500.00 per lot	\$500.00
Stage 2	\$500.00 per lot	\$500.00
Stage 3	\$500.00 per lot	\$1000.00
Stage 4	\$500.00 per lot	\$500.00
Stage 5	\$500.00 per lot	\$500.00
TOTAL CONTRIBUTIONS PAYABLE		
Stage 1		\$1538.00
Stage 2		\$1538.00
Stage 3		\$3076.00
Stage 4		\$1538.00
Stage 5		\$1538.00
TOTAL		\$9228.00

3) Timing and Method of Payment

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

Evidence of the payment shall be submitted to the PCA or Council prior to the issue of the Subdivision Certificate for each stage of the project.

4) Section 94 Plans

Copies of the Section 94 contribution plans may be inspected at Council's Administration Office at Zingel Place, Bega.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Road Damage

F1 Road Damage

The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the proponent prior to the issue of any Occupation Certificate to the satisfaction of the PCA or Council.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically 'call up' the bond to recover those costs. Should the repair costs exceed the bond amount, a separate invoice will be issued by the Council.

Easements

F2 Registration of Easements

Prior to the issue of any Occupation Certificate, the proponent shall provide to the PCA or Council evidence that all easements required by this approval and other consents have been, or will be registered on the certificates of title.

ADVISORY NOTES

AN1 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, and AGL) regarding the connection, relocation and/or adjustment of services affected by the approved works. Any costs incurred 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.

AN2 Compliance with the Building Code of Australia

The Proponent should consult with the Certifying Authority regarding any modifications required by the BCA prior to submitting an application for a Construction Certificate.

AN3 Bushfire Protection

Construction of future dwellings is required to comply with Appendix 3 of *Planning for Bush Fire Protection 2006*, and AS3959 – *Construction of Buildings in Bush Fire Prone Areas*. Landscaping is required to comply with Appendix 5 of *Planning for Bush Fire Protection 2006*.

AN4 Stormwater drainage works or effluent systems

A Construction Certificate for works involving any of the following:

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

as defined by section 68 of the *Local Government Act, 1993* (NSW), will not be issued until prior separate approval has been granted by Council under section 68 of that Act. Applications for those works must be submitted on Council's Section 68 Application Form accompanied by the required attachments and prescribed fees.

AN5 On-Site Sewage Management

Due to the possibilities of a delay between the date of this approval and the installation of an on-site sewage management system, and a variation in ground conditions, it is recommended that the proponent undertake an updated site assessment prior to the final installation of an on-site sewage management system to the satisfaction of the Council or the PCA.

AN6 Temporary Structures

An approval under section 68 of the *Local Government Act 1993* (NSW) must be obtained from the Council for the erection of any temporary structures a. 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 also be submitted to the Council with the Section 68 application certifying the structural adequacy of the design of any temporary structures.

AN7 *Disability Discrimination Act 1992 (Cth)*

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

AN8 *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) 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), or Commonwealth land, without an approval from the Minister for the Environment, Heritage and the Arts.

This approval has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979* (NSW). The approval has not involved any assessment of the application pursuant to Commonwealth legislation. It is the proponent's responsibility to consult the Department of the Environment, Water, Heritage and the Arts to determine the need for Commonwealth approval. You should not construe this approval as notification that the Commonwealth Act does not apply. The Commonwealth Act may apply and you should obtain advice accordingly. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3

06_0195

**A SEVEN LOT RURAL SUBDIVISION TO CREATE SIX (6) RURAL LOTS AND
ONE RESIDUE LOT**

**PART PORTIONS 24, 25 AND 88 PARISH OF BEGA AND PORTION 158 PARISH
OF WALLAGOOT, WALLAGOOT LANE, JELLAT JELLAT, BEGA VALLEY SHIRE**

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

4. STATEMENT OF COMMITMENTS

Relevant to the proposed development, this statement of commitments relate to on site sewage management and stormwater management. The commitments proposed below identify the general risk associated with the development and provides solutions to mitigate the risk.

4.1 On Site Sewage Management

Effluent disposal on site will be via secondary treatment systems at a minimum. Tertiary systems involving the use of sand filters may be installed by individual lot owners if desired.

Land Application Areas (LAA) taking the treated waste from the abovementioned systems will be located a minimum of 150 metres from the wetland and a minimum of 40 metres from other drainage lines as per Table 5 of "On-Site Sewage Management for Single Households" February 1998 (NSW Government).

Also, area equal to 200% of that calculated within the On-Site Sewage Management report has been provided on each proposed lot to enable for the provision of an alternative LAA if needed, or to allow alternate dosing of 2 sites. This further reduces the effluent load on any one area and the risk of pollution.

4.2 Water Quality Protection & Stormwater Management

Potential sources of nutrient and sediment loads are

1. Access, both during construction and post construction,
2. On site sewage land application areas, and
3. Runoff from the house and surrounding gardens.

In particular, coarse sediments (>2mm), phosphorus, nitrogen and oxygen demanding substances are those elements of concern.

Coarse sediments can be addressed by filter strips and grass swales, phosphorus and nitrogen by a combination of filter strips, grass swales and porous pavements, and oxygen demanding substances can be addressed by infiltration trenches and porous pavements.

Measures to be put into place to address the above sources include:

1. The access to Lots A - E will be constructed in accordance with the requirements of Bega Valley Shire Council, notably DCP2 and the *Design and Construction Specifications*.

There are two phases to stormwater management; first during construction, and second post construction.

During construction, erosion and sediment control measures in strict accord with "Soils and Construction", March 2004 (Blue Book) will be put in place to ensure only clean runoff leaves the construction site, and to minimize the amount of water entering the site. These measures will be part of the design drawings to be presented to council for their approval as part of the Construction Certificate application.

Measures to be used would include erection of sediment filter fences, the installation of rock aprons on the outlets of all piped culverts, swales to act as infiltration devices and to redirect flows to constructed sediment basins, and ensuring the disturbed areas are kept to a minimum.

Following construction, the establishment of vegetation over all disturbed sites would be a priority. The sediment basins could be converted to small wetlands and the swales would be grassed over and continue directing overland flows to the basins.

The design will incorporate the construction of table drains and culverts. Any culverts needed for the Right of Carriageway will be sized to accommodate a 1 in 5 year storm, with outlet protection to prevent erosion. Table drains will be to council specifications, and on steeper sections will be rock lined to prevent erosion.

2. Measures to be incorporated for OSSM land application areas are:
 - a. Swales upslope of the land application area so as to reduce run-on water.
 - b. The use of secondary treatment systems as a minimum such as aerated systems. Ideally, on Lots A & D, tertiary systems incorporating sand filters would be installed.
 - c. The installation of filter strips and vigorous vegetation between the application area and the natural wetland.
 - d. Minimum setbacks from the wetland of 150 metres for the land application areas. It is noted that the former Department of Natural Resources recommended a Core Riparian Zone (CRZ) setback of at least 40 metres from the top of the bank of the wetland plus an additional 10 metre buffer to protect the CRZ.
3. Measures to be incorporated around the proposed house sites include:
 - a. Install rainwater tanks to receive roof run-off. This will normally be a requirement given that there will not be any reticulated water supply.
 - b. Provide grassed swales directing run-off into gardens and other landscaped areas.
 - c. Wherever possible, pavements are to be constructed from porous materials.