

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 05-0059

(FILE NO. 9040674)

**182 LOT RESIDENTIAL SUBDIVISION OF LOT 172 DP 755923 & LOT 823 DP 247285
BERRINGER ROAD, CUNJURONG POINT ROAD AND SUNSET STRIP, MANYANA**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **granting approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment and amended plans, drawings and documents and the Proponent's amended Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney,

8/6/7

2008

SCHEDULE 1

PART A—TABLE

Application made by:	Allen, Price, and Associates 75 Plunkett Street, Nowra NSW 2541
Application made to:	Minister for Planning
Major Project Application:	MP No. 05_0059
On land comprising:	Lot 172 DP 755923 & Lot 823 DP 247285 Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana
Local Government Area	Shoalhaven City Council
For the carrying out of:	Residential subdivision to create 182 residential allotments
Estimated Cost of Works	\$5,200,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date consent is liable to lapse	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 05_0059

Responsibility for other approvals / 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* (as amended).

Appeals—Third Party

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

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

Section 94 Conditions

This Major Project approval contains levies for development imposed under section 94 of the Act. The imposing of levies is in accordance with Shoalhaven City Council's Section 94 Contribution Plan 1993. The Contribution Plan may be inspected at Shoalhaven City Council, City Administrative Centre, Bridge Road, Nowra 2541 during normal business hours.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

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

Council means Shoalhaven City Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

DECC means Department of Environment and Climate Change

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

Environmental Assessment means the Environmental Assessment and Technical Volumes prepared by Allen, Price & Associates and associated consultants dated September 2006 and additional reports of various dates.

Minister means the Minister for Planning.

MP No. 05_0059 means the Major Project described in the Proponent's Environmental Assessment.

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

Proponent means Allen, Price & Associates or any party acting upon this consent.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

SCHEDULE 2

DRAFT RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 05_0059

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

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

- (1) The staged subdivision of Lot 172 DP 755923 and Lot 823 DP 247285 into 182 residential lots, 1 playground space and playground area, 1 open space area including the Endangered Ecological Community and its associated buffer zones, new roads and associated drainage and subdivision works;
- (2) Construction of physical infrastructure and services, including interallotment drainage, pedestrian/cycle pathways, bus stop and bus bay, safety control measures within the development and on Sunset Strip and a fully channelised left turn lane on Berringer Road;
- (3) Construction of water sensitive urban design measures, including a stormwater quality system incorporating on-site detention and infiltration, 3 water quality control ponds, grassed road side swales and biofiltration trenches and a gross pollutant trap;
- (4) Landscaping, vegetation management and associated works of the playground area, the Endangered Ecological Community and associated bushland reserve and public spaces along streets;
- (5) Removal of trees within the residential lots (except the 10m buffer to rear of lots along proposed Road No. 4 and 6 which back onto existing residential properties) and subject to (7), the timing of removal of the trees shall be commensurate with development of each stage of the project;
- (6) Removal of trees for the purposes of construction of civil and infrastructure works (as per Condition B7) and subject to (7), the timing of removal of the trees shall be commensurate with development of each stage of the project;
- (7) Removal of trees and vegetation identified on Drawing No.24256-07 – Tree Details within the buffer referred to in (5) for the purpose of construction of infrastructure and services is permitted only with the consent of Council;
- (8) Removal of trees within reserves for the construction of 3 water quality control ponds and commensurate with the respective stage of the development; and,
- (9) Revegetation of the Endangered Ecological Community and associated maintenance as specified in Condition E17.

A2 *Development in Accordance with Plans*

The development will be undertaken in accordance with the following drawings:

Subdivision Layout Drawings prepared by Allen, Price & Associates and Specified below.		
Drawing No	Name of Plan	Date
24256-09 Layout H	Plan Showing Proposed Residential Subdivision on Lot 172 DP 755923 & Lot 823 DP 247285 at Berringer Road & Cunjurong Point Road, Manyana for Malbec Properties Pty Limited.	9 November 2007
24256-07 - Tree Details	Plan Showing Tree Details & Building Line Setbacks Over Lot 172 DP 755923 & Lot 823 DP 247285 at Berringer Road & Cunjurong Point Road, Manyana for Malbec Properties Pty Limited.	12 November 2007

A3 *Development in Accordance with Documents*

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

- (1) Environmental Assessment Report – Project Approval 179 Lot Residential Subdivision - Lot 172 DP 755923 and Lot 823 DP 247285 Berringer Road, Cunjurong Point Road and the Sunset Strip, Manyana prepared by Cowman Stoddart Pty Ltd, September 2006;
- (2) Transport Report for Proposed Residential Subdivision, Manyana prepared by Colston Budd Hunt & Kafes Pty Ltd, August 2006;
- (3) Bushfire Protection Assessment - Proposed Residential Subdivision of Lot 172 (Portion 172) and Lot 823 Manyana (Ref: 04279) prepared by BES Bushfire + Environmental Services, August 2006;
- (4) Flora and Fauna Assessment Proposed Residential Subdivision of Lot 172 DP 755923 and Lot 823 DP 247285 Berringer Road and Cunjurong Point Road, Manyana (Ref: 04383) prepared by BES Bushfire + Environmental Services, September 2006;
- (5) Water Cycle Management – Report for Proposed Subdivision - Lot 172 DP 755923 and Lot 823 DP 247285 at Berringer Road and Cunjurong Point Road, Manyana (Project No. 555) prepared by Storm Consulting, September 2006;
- (6) Design Guidelines – Cunjurong Point Road – Lot 172 DP 755923 Manyana, NSW prepared by Malbec Properties, August 2006
- (7) A Heritage Impact Assessment of Malbec Properties' Proposed Residential Subdivision of Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, South Coast of New South Wales prepared by Peter Kuskie and Edward Clarke, South East Archaeology, October 2006; and
- (8) A Heritage Impact Assessment of Malbec Properties' Proposed Residential Subdivision of Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, South Coast of New South Wales: Sub-Surface Archaeological Investigation prepared by Peter Kuskie and Edward Clarke, South East Archaeology, May 2007.
- (9) The Preferred Project Report dated 20 November 2007 and associated Statement of Commitments, Bushfire Protection Report prepared by BES and

dated November 2007 and the Water Cycle Management Report prepared by Storm Consulting and dated October 2007.

A4 *Inconsistency between documents*

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

A5 *Prescribed Conditions*

The Proponent shall comply with the prescribed conditions of development consent under Clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Staging – Construction Certificates

B1 *Staging of Construction and Subdivision Works*

Separate Construction Certificates shall be obtained relating to the following stages of development, as approved:

Stage 1

Subdivision and creation of 30 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works; water sensitive urban design measures including a water quality control pond; pedestrian/cycle pathways and link to pedestrian/cycle safety measures on Sunset Strip.

Construction of traffic safety measures within Stage 1 and pedestrian/cycle safety measures and two (2) speed control facilities on Sunset Strip.

Vegetation management and rehabilitation of the Endangered Ecological Community and associated buffer zone, involving removal of weeds, erection of appropriate fencing and undertaking landscaping measures within the buffer area in accordance with the requirements of Conditions B8 and B9.

Stage 2

Subdivision and creation of 32 residential lots.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works; pedestrian/cycle pathways.

Stage 3

Subdivision and creation of 29 residential lots.

Infrastructure works: earthworks, removal of trees; roads, traffic calming device on Road 4, stormwater and drainage, services; civil works; water sensitive urban design measures; pedestrian/cycle pathways.

Stage 4

Subdivision and creation of 31 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services, a water quality control pond; civil works; traffic calming devices on Road 3, pedestrian/cycle pathways.

Embellishment of playground area with enhanced landscaping, play equipment, drainage; walking paths and signage

Construction of a left turn lane (Type A) along Berringer Road at the Berringer Road-Inyadda Drive-Curver Drive intersection.

Stage 5

Subdivision and creation of 33 residential lots and passive open space.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works; a water quality control pond, traffic calming device on Road 2, pedestrian/cycle pathways.

Construction of bus stop, bus bay and signage on Berringer Road.

Stage 6

Subdivision and creation of 27 residential lots.

Infrastructure works: earthworks, removal of trees; roads, stormwater and drainage, services; civil works.

The following conditions relate to each stage and must be completed, unless otherwise stated, prior to the issue of a Construction Certificate for each stage. Clearing of vegetation associated with Construction Certificate approval for each stage is permitted commensurate with that stage only, unless otherwise approved by Council.

Earthworks

B2 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage.

Construction Management

B3 Construction Management Plan

Prior to the issue of Construction Certificate for each stage, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) erosion and sediment control (see also B2),
- (4) traffic management (see also B4 below),
- (5) noise and vibration management (see also B5 below),
- (6) waste management (see also B6 below),
- (7) flora and fauna management (see also B7 and B8 below).

The Proponent shall submit a copy of the approved plan to Council, if Council is not the Certifying Authority.

B4 Traffic & Pedestrian Management Plan

Prior to the issue of Construction Certificate for each stage, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

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- (1) ingress and egress of vehicles to the site,
 - (2) loading and unloading, including construction zones,
 - (3) predicted traffic volumes, types and routes, and
 - (4) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to Council, if Council is not the Certifying Authority.

B5 *Noise and Vibration Management Plan*

Prior to the issue of Construction Certificate for each stage, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent,
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to Council, if Council is not the Certifying Authority.

B6 *Construction Waste Management Plan*

Prior to the issue of Construction Certificate for each stage, the Proponent shall submit to the satisfaction of the Certifying Authority a Construction Waste Management Plan prepared by a suitably qualified person in accordance with Shoalhaven City Council's requirements. The Proponent shall submit a copy of the plan to Council.

Vegetation Management

B7 Tree Removal

- (1) Removal of trees identified on APA Plan No. 24256-07 – Tree Details dated 12 November 2007 within the 10m wide Tree Preservation Buffer to the rear of lots along proposed Road No. 4 and 6 which back onto existing residential properties is permitted only with the consent of the Council (refer to Condition E2 in this regard).
- (2) With the exception of vegetation affected by construction of civil and infrastructure works and subject to B7(1), broad clearing of vegetation for the entire site is strictly prohibited, the removal of vegetation shall be carried out commensurate with the construction of each stage of the development.

B8 Vegetation Management Plans

A Vegetation Management Plan (VMP) is to be prepared for each stage of the subdivision and must address protective measures during the construction phase, potential impacts of the adjoining residential development, means of weed control, weed removal, revegetation, threatened species protection, habitat creation, propagation and translocation and shall be approved by the Council prior to the issue of Construction Certificate for each stage. The VMP is to provide details on the following matters:

- (a) the proposed tree removal method including inspection of hollows by a suitably qualified person prior to felling, and
- (b) safeguards for the protection of fauna both prior to, during and following the works, including the presence of a suitably qualified person during the entire felling operation to ensure that proper management of any nocturnal animals or otherwise can be effectively managed (refer also to Condition D9 requirements).

A copy of the approved plans shall be provided to the Department.

B9 Vegetation Management Plan - EEC

A Vegetation Management Plan (VMP) is to be prepared specifically for the EEC, adjoining buffer area and bushland reserve and is to be submitted for the approval of Council (with a copy forwarded to the Department at this time) prior to the issue of the Construction Certificate for Stage 1 of the development. The VMP must address a range of protective measures during the construction phase and for post-construction, potential impacts of the adjoining residential development, means of weed control, weed removal, revegetation, threatened species protection, habitat creation, means to control access, propagation and translocation. The VMP must address appropriate interpretive signage for the buffer zone edges, particularly where it adjoins or comes close to pedestrian pathways informing residents of the restriction applying to the area and the special characteristics of the EEC. The VMP must specifically address long term monitoring of the EEC and establish criteria that can inform necessary changes to the VMP over time. Specific impacts that should be monitored include:

- a) Impacts from change in hydrological regimes caused by the increase in hard stand area;
- b) Changes in the fire regime and impacts on the EEC;
- c) Impacts from invasion by weeds, including garden escapes from residences and associated removal of weed species;
- d) Increase in pedestrian traffic through the area, increase in resulting soil compaction and increases in soil erosion;
- e) Predation by cats, dogs and feral animals;
- f) Reduction in the diversity and population size of fauna resident within the EEC;

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- g) Water quality management, particularly focussing on nutrient management levels;
 - h) the number and location of nest boxes in the EEC (at a rate of 3 nest boxes for every hollow-bearing tree removed on the broader site, equivalent to hollow size and maintained until suitable hollows develop);
 - i) the period and method of ongoing management of nest boxes, including six monthly inspections to ensure that nest boxes are not occupied by rodents and the like, until all construction works are completed and in accordance with Condition E16.

The VMP must be peer reviewed by an appropriately qualified ecologist prior to submission to the Council for approval. A copy of the approved VMP shall be provided to the Department.

B10 Plans to be Submitted – Tree Protection

Plans to be submitted for an application for a Construction Certificate for each stage of the development are to include a detailed plan of management incorporating the following:

- (a) details of the means of protecting trees nominated for retention, including hollow bearing trees during construction of all works. All areas that are to be left undisturbed are to be cordoned off from areas of construction works;
- (b) retention of all trees within roads and public reserves (with such trees to be retained to be identified on engineering construction plans), except where required to be removed to provide services and construction of roads, and
- (c) a report prepared by a suitably qualified person indicating that the proposed tree retention will comply with the Rural Fire Service's *Planning for Bushfire Protection 2006*.

Environmental Management Plan

B11 Preparation and Submission

- (1) An Environmental Management Plan (EMP) is to be prepared and submitted to the satisfaction and approval of the Council prior to the issue of Construction Certificate for Stage 1. The EMP is to identify the location of Asset Protection Zones, the Endangered Ecological Community and associated buffer zone, and the provision of ameliorative measures for flora and fauna to demonstrate compliance with the recommendations contained within the following reports, referred to in Condition A3:
 - (a) Environmental Assessment and as amended on 20 November 2007,
 - (b) Bushfire Protection Assessment and as amended 20 November 2007, and
 - (c) Flora and Fauna Assessment.
- (2) The EMP is to document the management and maintenance measures required, including the details for habitat restoration and mitigation measures.
- (3) The EMP is to be prepared by a suitably qualified person.
- (4) The EMP shall address any other relevant requirements of this approval, including stormwater management works and the requirements of the NSW Rural Fire Service.

Traffic, Roads & Parking

B12 Road Design, Traffic Safety Measures and Bus Bay

Plans to be submitted for an application for a Construction Certificate for each stage of the development are to incorporate the following elements at the stages indicated in bold:

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- a) Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities and paved footpaths shall be constructed along the full length of the new roads in all stages of the development, with the exception of roads adjoining reserves where grass swales are to be used. All roads shall be designed in accordance with the relevant requirements of the Shoalhaven City Council's DCP 100 (Subdivision Code). Final road design plans shall be prepared by a practising engineer and submitted to the Council prior to the issue of a Construction Certificate for **Stage 1**;
 - b) The street designs are to incorporate traffic calming principles in accordance with DCP 100 and to the satisfaction of Council – **Stages 1-6**;
 - c) Appropriate physical barriers shall be installed around the roadside perimeter of the EEC and passive open space with restricted access for maintenance vehicles and separate access for pedestrians at appropriate locations determined by the VMP (refer to Condition B9) – **Stages 1, 4, 5 and 6**;
 - d) A "Stop" signage and hold-line shall be provided on Road No. 1 at its intersection with Sunset Strip, and at The Barbette at its intersection with Sunset Strip – **Stage 1**;
 - e) Two signposted bus zones (R5-20 signs) located on both sides of Berringer Road shall be constructed to the immediate east of Berringer Road/Road No. 2 intersection, with the final location to be determined in consultation with Council. Road carriageway width shall be 9.5m wide (allowing a 3m wide kerbside lane for parking and bus stops, 2 x 3m unobstructed through lanes and 0.5m for pavement protection) and 3m wide indented bus bays shall be provided in accordance with Austroads Part 11 – **Stage 5**;
 - f) Two symbolic "Caution Children" (W6-3A) warning signs shall be installed, one on the south side of Berringer Road, mid-way between Road No. 4 and The Companionway and the second on the west side of Cunjurong Point Road at the southern boundary of the site, midway between Road 6 and the Sunset Strip – **Stage 3 and Stage 6 respectively**;
 - g) Two "Wildlife Crossing" signs are to be provided on Berringer Road in the proximity of where the bushland reserve meets Berringer Road – **Stage 1**;
 - h) Two speed control facilities in the form of ramped-thresholds shall be provided on Sunset Strip on the approaches to its staggered intersections with Road No. 1 and The Barbette, one approximately 100m west and the other approximately 100m to the east of The Barbette - **Stage 1**;
 - i) Construct a cycle/pedestrian crossing on Sunset Strip, to the immediate east of Sunset Strip/The Barbette intersection, involving kerb-extension blisters, kerb ramps and shared-path connections to both sides, grab-rails to accommodate cyclists and a 2m wide shared-path linking to the facility to Road No. 1 and integrated with the proposed internal pathways of the development - **Stage 1**;
 - j) A 1.2m wide footpaths shall be installed on the development's entire frontage along Berringer Road and Cunjurong Point Road - **Stage 3/4 and Stage 5/6 respectively**;
 - k) Shared cyclist/pedestrian pathway shall be constructed of concrete and shall be 2m wide and signposted, linemarked and provided with safe crossing points in accordance with Austroads Part 14 and in the locations shown on the approved plan of subdivision (Drawing No.24256-09 Layout H Rev.02) – **all Stages**;
 - l) The cyclist/pedestrian pathway forming the extension of Road 3 where it crosses the bushland reserve shall be raised above natural ground level and be of timber/metal construction and be no closer than 400mm to the ground at any point – **Stage 5**;
 - m) Pedestrian pathways shall be constructed of concrete and shall be 1.2m wide - **all Stages**;
 - n) All internal roads, Berringer Road and Cunjurong Point Road shall be provided to Council DCP 100 Standards- **all Stages**;

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- o) Street lighting shall be provided in accordance with Australian standards to all internal roads within the subdivision - **all Stages**;
 - p) Street lighting shall be provided in accordance with Australian standards to Berringer Road and Cunjurong Point Road – **Stage 4 and Stage 6 respectively**;
 - q) A left turn lane (Type A) to Austroads standards shall be constructed on Berringer Road at the Berringer Road/Inyadda Drive/Curvers Drive intersection - **Stage 4**;
 - r) Details of pedestrian facilities, speed control devices, bus zones and regulatory signs and markings shall be submitted for the approval of Council at the construction certificate stage- **all Stages**; and,
 - s) All costs incurred in the installation of pedestrian facilities, speed control devices, bus zones and regulatory signs and markings shall be borne by the proponent - **all Stages**.

Aboriginal Heritage

B13 *Item of Cultural Significance – ‘Manyana 1’*

The known artefacts comprising the Aboriginal heritage site identified as ‘Manyana 1’ in the Aboriginal Archaeological Assessment carried out by South East Archaeology Pty Limited and dated May 2007 are to be either: (1) relocated away from the development area; (2) repositioned within the development area; or (3) collected by the Aboriginal community. The course of action to be taken is to be determined by the Aboriginal community. A program of salvage shall also be undertaken in the area of ‘Manyana 1’ in accordance with the recommendations of the report by South East Archaeology Pty Limited and dated May 2007. The proponent is to liaise with the Jerrinja Local Aboriginal Land Council (LALC) and determine the details of the course of action to be taken for the known surface artefacts and in relation to the subsequent salvage operations. The written confirmation of the Jerrinja LALC as to the course of action to be taken with regard to ‘Manyana 1’ is to be obtained and a copy of this advice supplied to the Department.

B14 *Aboriginal Heritage Management*

A Cultural Heritage Management Plan (CHMP) shall be prepared and approved by the Department. The CHMP shall be informed by the findings of the report by South East Archaeology Pty Limited and dated May 2007 and shall specify the policies and actions to mitigate and manage the potential impacts on Aboriginal Heritage within the proposed development. The CHMP should include:

- a) the management and mitigation measures proposed for those Aboriginal heritage items to be impacted during the construction works in consultation with the Aboriginal stakeholders (refer to Condition B13 in this regard);
- b) the management measures proposed for those Aboriginal heritage items that will not be impacted during the construction works in consultation with the Aboriginal stakeholders and DECC;
- c) the proposed fencing and signposting of any excluded Aboriginal heritage items should be undertaken in consultation with the Aboriginal stakeholders to ensure that the management measures are appropriate for each site;
- d) the process that will be followed for continuing consultation with the Aboriginal stakeholders and DECC, where required; and,
- e) a commitment to the immediate stop work for any potential human skeletal remains that may be uncovered during construction activities.

A copy of the final report on the results of the proposed archaeological salvage program must be forwarded to the DECC to allow for entry on the AHIMS report database and updating of the AHIMS Register.

If any Aboriginal objects are to be relocated as part of any proposed management and mitigation measures, the proponent is to advise DECC of the details of the location of objects by providing DECC Aboriginal Heritage Information Management System (AHIMS) Site Recording forms for entry on the AHIMS Register. If any Aboriginal objects are to be returned to or otherwise dealt with by an Aboriginal owner or transferred to an Aboriginal person or group, as part of any proposed management mitigation measures, details of the transfer of objects is to be provided to the DECC and a care agreement must be arranged and issued under Section 85A of the National Parks and Wildlife Act 1974. A copy of the approved CHMP shall be provided to the Council.

Stormwater Works

B16 Stormwater Design

- (1) The stormwater design shall be in accordance with the recommendations as contained in Water Cycle Management – Report for Proposed Subdivision - Lot 172 DP 755923 and Lot 823 DP 247285 at Berringer Road and Cunjurong Point Road, Manyana (Project No. 555) prepared by Storm Consulting, September 2006 and the modifications report contained in the Preferred Project Report dated October 2007 and in accordance with the DCP 100 and to the satisfaction of the Certifying Authority.
- (2) Stormwater drainage is to be routed through a suitable gross pollutant trap to remove gross pollutants as well as fine sediments as per the Storm Report (i.e. Storm Consulting, September 2006 and the modifications report contained in the Preferred Project Report dated October 2007).
- (3) The stormwater detention basins are to be equipped with public safety measures such as fencing, side slopes, depth indicators and hazard signage. Details of proposed safety measures are to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for **Stage 1**.
- (4) A Certificate from a Consultant Engineer is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate for **Stage 1**, certifying that the proposed detention and associated structures have been designed in accordance with relevant Australian Standards and recommendations as contained in Water Cycle Management – Report for Proposed Subdivision - Lot 172 DP 755923 and Lot 823 DP 247285 at Berringer Road and Cunjurong Point Road, Manyana (Project No. 555) prepared by Storm Consulting, September 2006 and the subsequent modifications report contained in the Preferred Project Report dated October 2007.
- (5) The Proponent shall submit details of maintenance and access to the drainage reserve, to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate for **Stage 1**.
- (6) The drainage of Road No. 1 to Sunset Strip, with minor filling (maximum of 200mm) in the front and centre of the two lots on the north western corner of Road No. 1 and Sunset Strip is to contain major flows within the road reserve, with minor encroachment only onto those two lots, to the satisfaction of the Certifying Authority.

Civil Works

B17 Completion of Civil Work

All civil work shown in the engineering plans is to be constructed in accordance with Council's Construction Specifications.

B18 *Approval of Engineering Plans*

The applicant is to submit engineering plans providing for all civil works for each stage of the development to the Certifying Authority for approval and prior to the issue of a Construction Certificate.

B19 *Alterations of Public Utility Services*

Any necessary alterations to or relocations of public utility services are to be carried out at no cost to Council.

Water Supply and Sewerage Works

B20 *Water Supply*

- (1) Council's existing water mains are to be extended to each proposed lot within the subdivision from the existing water main in Cunjurong Point Road.
- (2) Water reticulation designs for the development and augmentation of the existing system shall be approved by Shoalhaven Water and all works shall be installed in accordance with Shoalhaven Water's Water Reticulation Specification and Construction Standards.
- (3) Easements shall be created over Council's water mains that are located within private property (including public reserves)

B21 *Reclaimed Water Supply*

- (1) A reclaimed water reticulation system is to be constructed to serve each proposed lot subject to Council proceeding with a reclaimed water supply system. Consultation with Shoalhaven Water is required during the design of this system.
- (2) All plans and specifications for the proposed reclaimed water construction works are to be submitted to and approved by Shoalhaven Water.

B22 *Sewerage Services*

- (1) Sewerage system shall be extended and junctions provided to fully serve each lot. Mains shall be extended from sewer gravity mains proposed for construction within the subdivision along the southern boundary of Lot 172 DP 755923.
- (2) Sewerage designs shall be approved and works shall be constructed in accordance with Shoalhaven Water's requirements.
- (3) The design for the required sewer extension shall take into account large trees, and other constraints in adjoining properties and in the vicinity of the proposed sewer main. Matters such as an arborist report, the need for tree removal, requirement for underpinning of any affected structures shall be taken into account in the sewer design. Relevant details shall be submitted with the sewer designs.
- (4) All plans and specifications for the proposed sewerage works shall be submitted to and approved by Shoalhaven Water.
- (5) Where works are carried out in the road/road reserve or in private lands, respective approvals shall be obtained from the Roads Management Engineer of Council's City Services Group in consultation with Shoalhaven Water and affected private landowners for sewer main construction work to take place within those respective lands.

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- (6) Easement to drain sewage shall be created over all lots which have gravity sewer running through it. The easement shall be located centrally over the sewer pipes. The minimum widths of the easement shall be as follows:

- sewer depth to invert less than 2.50m - easement 2.40m wide
- sewer depth to invert greater than 2.50m - easement 4.0m wide

B23 Cost of Construction of Water Supply and Sewerage Works

All water supply and sewerage works internal to the subdivision are to be constructed at the cost of the developer.

NSW Rural Fire Services Requirements

B24 Bushfire Protection and Management

Provision of services and access are to comply with the following requirements:

- (1) Water, electricity and gas are to comply with section 4.1.3 of Planning for Bushfire Protection 2006.
- (2) Public road access shall comply with section 4.1.3(1) of Planning for Bushfire Protection 2006.

Details of compliance with these requirements are to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stage 1.

B25 Fire Management Plan

A Fire Management Plan is to be prepared that addresses the following requirements:

- 1) Contact person, position and contact details;
- 2) Schedule and description of works for the construction of asset protection zones and their continued maintenance.

The plan is to be prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stage 1. A copy of the approved plan is to be provided to Council.

B26 Temporary Asset Protection Zones

- (1) A 49 metre Asset Protection Zone shall be provided around each stage of the proposed development and shall be managed as outlined within Planning for Bushfire Protection 2006. The Asset Protection Zone can be removed once adjoining stages have been developed and the bushfire threat removed. The temporary Asset Protection Zone requirement is not applicable to the EEC or its associated buffer zone. Details of compliance with this condition shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stage 1.
- (2) A perimeter fire trail shall be provided temporarily around each stage of the proposed development and shall comply with Section 4.1.3(3) of Planning for Bushfire Protection 2006. The fire trail can be removed once adjoining stages have been developed and the bushfire threat removed. The construction of a fire trail for each stage of the development shall be met prior to the issue of the Subdivision Certificate for each stage.

Landscaping

B27 Landscape Plan – Subdivision

A detailed landscape plan prepared in accordance with Shoalhaven City Council's Landscape Guidelines shall be submitted to and approved by the Council prior to the issue of the Construction Certificate for Stage 1 and shall address the following issues:

- 1) a species list including only local native species and other native species as appropriate to the site and circumstances, as approved by Council;
- 2) a species list of plants which will be provided to purchasers of lots;
- 3) street tree planting and verge landscaping;
- 4) consideration of the requirements for asset protection zones;
- 5) security for open space, property and neighbouring residents taking into consideration visibility and lines of sight, lighting and open space;
- 6) all parks and open space (excluding the EEC and associated buffer – refer to Vegetation Management Plan requirements)) are to be suitably embellished to the satisfaction of Council. Embellishments may include (but are not limited to) grass cover, soft landscaping and garden beds (local indigenous species), toilets, playground equipment, shade shelters, seating, picnic/barbeque facilities, paths drinking water facilities and vehicle control measures; and,
- 7) provision for the storage of garbage/recycling and green bins in accordance with Council's requirements.

All landscaping works within the subdivision shall be completed in accordance with the approved plans. A copy of the approved Landscape Plan shall be submitted to the Department.

B28 Additional Contributions

Voluntary Planning Agreement

Prior to the issue of the Construction Certificate, the Proponent shall enter into a Planning Agreement with Shoalhaven City Council under Section 93F of the Act. The Agreement must be consistent with commitments outlined in Commitments 43-45 of the Statement of Commitments (Schedule 3), and specifically provide for the works and costs outlined in the table below:

Item	Description	Amount
1.	Extension of the Community Hall, Yulunga Reserve.	\$36,134.00
2.	Upgrade Foreshore Facilities, Including the Provision of Car Parking.	\$15,265.00
3.	Upgrade Works to Bendalong Road and Inyadda Drive.	\$56,160.00
4.	Construction of a Rural Road Type B Intersection, Bendalong Road and Inyadda Drive.	\$12,721.00
Total		\$120,280.00

The Planning Agreement must address staging of the payment of the contributions generally in accordance with the staging specified in Condition B1 of this determination. The Planning Agreement must be registered on the title of the land in accordance with the *Real Property Act 1900*.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Local Aboriginal Land Council

C2 Notification

The Proponent shall notify the Local Aboriginal Land Council prior to the commencement of works at each stage of the development and provide it with an opportunity to view the works. Evidence of such notification and the response of the Local Aboriginal Land Council shall be submitted to the satisfaction of the PCA.

Contact Details

C3 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.

Vegetation Clearing

C4 Bangalay Moist Woodland/Open Forest

Any clearing to be undertaken as part of this approval in Stages 2, 3 or 4 of the development and affecting the Bangalay Moist Woodland/Open Forest will not be undertaken between the beginning of October and the end of February in any year to minimise potential impacts on breeding by the migratory species Black-faced Monarch and Rufous Fantail.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B2, 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.

D2 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.

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 PCA.

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 the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

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

D5 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D6 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* and AS1158-1997 *Road Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D7 Protection of Trees – Street Trees

Identified trees along road reserves (refer to Condition B10), within the 10m buffer referred to in Condition B7, within the EEC and its buffer shall be protected at all times during construction. Any tree on road reserves, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D8 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.

Fauna Management

D9 Protocols for Trees With Hollows

Trees with hollows to be felled during the construction phase will be felled in accordance with the following procedures:

- 1) Felling will be supervised by a fauna specialist appropriately licensed under the NSW National Parks and Wildlife Act 1074, for the purpose of rescuing displaced fauna;
- 2) The fauna specialist will be suitably attired with protective clothing and have suitable equipment to undertake the work. A "Green Card" from an Occupational Health and Safety Induction Training Course for Construction Work will also be held by the fauna specialist, who may also need to be suitably vaccinated (especially if there is potential for handling bats);
- 3) An appropriately skilled local wildlife carer must be notified at least 24 hours prior to the tree felling, that animals may be captured and that these animals may need care;
- 4) Any non-hollow bearing trees around those with tree hollows to be felled will be removed first. At least 1 day will be left between clearing of the non-hollow-bearing trees and the hollow bearing trees to allow fauna time to vacate the trees;
- 5) Prior to felling of the identified and marked hollow-bearing trees, the trees will be shaken or nudged by tree felling equipment to encourage any fauna to vacate the trees;
- 6) If no animals emerge from the hollows after shaking or nudging, then the tree will be felled and lowered to the ground if possible;
- 7) If an animal emerges from a hollow following shaking or nudging of the tree, then at least 30 minutes will be allowed for the animal to leave the tree. If the animal comes to the ground, or when it is on the lower trunk, attempts will be made to capture the animal using a net. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process;
- 8) Captured animals will be placed in individual bags unless they are a family group to which separation would risk the survival of the young (i.e. lactating female with young);
- 9) Once the tree has been felled, a search will be made of the branches around the tree for any fleeing fauna and hollows should be inspected with a torch for the presence of any animals. Attempts will be made to capture any fleeing fauna with a net, and animals inside hollows should be extracted by hand. Captured animals will be immediately transferred to a suitably sized cotton bag and checked for obvious injury during the transfer process;
- 10) Injured, shocked or immature captured animals will be placed in a cotton bag secured at the top. Bags will be wrapped in appropriate insulating material such as blankets and placed in a quiet, warm and preferably dark place until the wildlife carer can collect them. Details on the location of the capture and proposed release areas will be provided to the wildlife carer; and,
- 11) Uninjured animals will be released in appropriate habitat as soon as practicable (at night for nocturnal species).

D10 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) 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,
 - (2) 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,
 - (3) All materials shall be stored or stockpiled at the best locations,
 - (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
 - (5) 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,
 - (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
 - (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
 - (8) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration

D11 Hours of Work

The hours of construction, 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 7:00 am and 12:00 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.

D12 Construction Noise Objective

The construction noise objective for 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:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the approved Construction Noise and Vibration 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 Noise and Vibration 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.

D13 Construction Noise Management

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 Noise and Vibration 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 must only be installed where approved in the Construction Noise and Vibration Management Plan.

D14 Vibration Criteria

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

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

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

D15 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Heritage

D16 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the developer shall immediately notify DECC. The developer shall comply with any request made by DECC to cease work for the purposes of archaeological recording.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES

Building and Landscape Design Details

E1 Specific Design Objectives and Criteria

Details of design objectives and criteria are to be prepared for all stages of the development. These design objectives and criteria are to provide sufficient detail that enables a consistent theme and character for future development on all lots. The design objectives and criteria are to be prepared in consultation with Council to ensure compatibility with Council's relevant development control plan. These design objectives and criteria must conform to the guiding themes of the "Cunjurong Point Road – Design Guidelines August 2006" prepared by Malbec Properties and other relevant reports listed in Condition A3, and include:

- (1) Overall site design objectives
- (2) Specific residential design objectives, including consideration of different built forms, energy efficiency, water management, materials, colours and finishes;
- (3) Landscape design objectives, including references to suggested indigenous species for different locations;
- (4) Details, requirements and responsibilities for designated Asset Protection Zones; and,
- (5) Details of local water cycle management, including rainwater tanks, infiltration beds and management responsibilities.

Details shall be submitted to and approved by the Department prior to the issue of a Subdivision Certificate for Stage 1. A Section 88B instrument is to be created over all residential lots in all stages of the subdivision restricting the design and character to that specified in the approved Design Objectives and Criteria document. The draft wording of the instrument is to be lodged with Council for approval and Council is to be made a party to the instrument, whose approval is required for any alterations to the instrument. The instrument is to be registered with the registration of the subdivision plan.

E2 Tree Retention – Preservation Zone

A restriction as to user is to be created for all lots affected by the 10 Metre Tree Preservation Zone (Plan Reference 24256-07 Tree Details) showing the location of trees and indicating that they are to be retained unless an arborist report finds the tree to be dangerous. The Council shall have the sole authority to release, vary or modify this encumbrance.

Easements

E3 Instruments

Copies of any instruments under Section 88B or 88E of the *Conveyancing Act 1919* are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development and shall be to the satisfaction of the Council.

E4 Services

Documentary easements for services, drainage, support and shelter, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E5 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

Bushfire Safety

E6 Asset Protection Zones

The following requirements of the NSW Rural Fire Service shall be met prior to the issue of a Subdivision Certificate for each stage of the development as outlined within Planning for Bushfire Protection 2006 and the Service's document, Standards for Asset Protection Zones'.

The creation of a suitable restriction as to user, where they affect individual allotment allowing for the creation and maintenance of the following Bushfire Asset Protection Zones:

- (a) West from allotments along the western boundary for a distance of 20 metres as an inner protection zone (i.e. Cunjurong Point Road road reserve).
- (b) North from allotments along the northern boundary for a distance of 20 metres as an inner protection zone (i.e. Berringer Road road reserve).
- (c) East of allotments adjacent to the western edge of the bushland reserve for a distance of 25 metres as an inner protection area.
- (d) West of allotments adjacent to the eastern edge of the bushland reserve for a distance of 25 metres as an inner protection zone.
- (e) West of the two most southern allotments to the eastern edge of the bushland reserve to a distance of 20 metres as an inner protection area.

The restrictions are to be clearly marked on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and/or extinguish the restrictions. A suitable restriction as to user is to be created prohibiting the erection of any dwelling within the specified areas.

E7 Bushfire Attack and Required Construction Standards

The following requirements are to be in accordance with the Bushfire Protection Assessment prepared by BES Bushfire + Environmental dated November 2007, specifically Figure 3 AS3959-1999 *building construction standards*, as well as the requirements of the NSW Rural Fire Service as set out in its letter dated 14 December 2007, and shall be met prior to the issue of a Subdivision Certificate for each stage of the development. Construction standards referred to are required under Australian Standard AS3959. The creation of a suitable restriction as to user, where they affect individual allotment allowing for the following construction standards:

- (a) Allotments along the western boundary (i.e. with a frontage to Cunjurong Point Road) are to be constructed to Level 3 standard.
- (b) Allotments along the northern boundary (i.e. with a frontage to Berringer Road) are to be constructed to Level 3 standard.
- (c) Allotments with a frontage to Road 2 are to be constructed to Level 3 standard.
- (d) Allotments with a frontage to Road 6 and adjacent the EEC/bushland reserve are to be constructed to Level 3 standard.
- (e) Allotments with a frontage to Road 1, between Road 5 and Sunset Strip are to be constructed to Level 1 standard.

- (f) The 3 allotments on the eastern side and with a frontage to Road 4, between Road 3 and Berringer Road are to be constructed to Level 1 standard.
- (g) All remaining allotments located between Berringer Road and Road 3 are to be constructed to Level 1 standard.
- (h) All remaining allotments (i.e. not already identified in 'a' and 'd') located between Cunjurong Point Road and Road 6 are to be constructed to Level 1 standard.
- (i) All remaining lots with a frontage to Road 1 and those with a frontage to Road 3, between Road 1 and Road 2 are to be constructed to Level 1 standard.

The restrictions are to be clearly annotated on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and/or extinguish the restrictions.

Section 94 and Other Monetary Contributions

E8 Section 94 Contributions

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

(1) Amount of Contribution under Section 94 Contributions Plan

Project	Description	Rate	Qty	Total(GST Inc)
05 AREC 0001	Tennis, Football, Cricket & Netball (Area 5)	\$1,206.75	180	\$217,215.00
05 AREC 0002	Leisure Centre Heated Indoor Swimming Pool	\$138.69	180	\$24,964.20
05 CFAC 0010	S94 CP AMENDMENT No.67: Southern Shoalhaven Branch Library	\$236.93	180	\$42,647.40
05 ROAD 2020	Bendalong Road + Inyadda Drive	\$108.99	180	\$19,618.20
CW AREC 0003	Hockey Facilities	\$192.64	180	\$34,675.20
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 1: Shoalhaven City Library Extensions	\$264.43	180	\$47,597.40
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 2: Shoalhaven City Arts Centre	\$23.92	180	\$4,305.60
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 3: Shoalhaven Mobile Children's Services	\$7.84	180	\$1,411.20
CW CFAC 0002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$236.41	180	\$42,553.80
CWFIRE0001	Citywide Fire and Emergency Services	\$146.53	180	\$26,375.40
CWFIRE0002	Shoalhaven Fire Control Centre	\$191.84	180	\$34,531.20
CW MGMT	Section 94 Administration	\$398.10	180	\$71,658.00

2001				
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	\$153.32	180	\$27,597.60
Grand Total		\$3,306.39		\$595,150.20
Totals Stages	Stage 1	\$3,306.39	30**	\$92,578.92
	Stage 2	\$3,306.39	32	\$105,804.48
	Stage 3	\$3,306.39	29	\$95,885.31
	Stage 4	\$3,306.39	31	\$102,498.09
	Stage 5	\$3,306.39	33	\$109,110.87
	Stage 6	\$3,306.39	27	\$89,272.53

** less 2 credits for existing lots.

(3) Timing and Method of Payment

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

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each of the 6 Stages outlined above.

(4) Indexing

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) 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).

A total contribution, currently assessed at the sum of \$595,150.20 (i.e. 2007/2008 rate) or as indexed in future years shall be paid to Council **before the issue of a Construction Certificate**.

Utility Contributions

E9 Certificate of Compliance – Headworks Charges

- (1) Prior to the release of the Subdivision Certificate/s, an application for a Certificate of Compliance pursuant to Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* is to be obtained to verify that all requirements relating to water supply and sewerage for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water indicating that the requirements of Section 306 of that Act have been met. A copy of the Certificate of Compliance must accompany the application for Subdivision Certificate for each stage of the development.
- (2) A Certificate of Compliance pursuant to Division 5 of the *Water Management Act 2000* will be issued by Shoalhaven Water prior to the issue of Subdivision Certificate/s, subject to the following matters being complied with:
 - (a) a Section 64 (Water Headworks – 44WATR0002) contribution of \$5,274.00 per ET (01/07/07-30/06/08) is payable for this application and is based on 180 ET's with a total contribution payable of **\$949,320.00** and with staged payment in the following manner:

Stage	ET's	Contribution
1	29	\$152,946.00
2	31	\$163,494.00
3	29	\$152,946.00
4	31	\$163,494.00
5	33	\$174,042.00
6	27	\$142,398.00

- (b) payment for 20mm metered service for each lot. The cost for a 20mm service is \$560.00 per lot (01/07/07-30/06/08) with a total contribution payable of **\$101,920.00**. The connection fee for a 20mm metered service is \$100.00 (01/07/07-30/06/08) and is paid by the person making application for connection, with staged payment in the following manner:

Stage	ET's	Contribution
1	30	\$16,800.00
2	32	\$17,920.00
3	29	\$16,240.00
4	31	\$17,360.00
5	33	\$18,480.00
6	27	\$15,120.00

- (c) a Section 64 (Sewerage Headworks – 73SEWR0001) contribution of \$5,274.00 per ET (01/07/07-30/06/08) is payable for this application and is based on 182 ETs with a total contribution payable of **\$959,868.00**, with staged payment in the following manner:

Stage	ET's	Contribution
1	30	\$158,220.00
2	32	\$168,768.00
3	29	\$152,946.00
4	31	\$163,494.00
5	33	\$174,042.00
6	27	\$142,398.00

Utilities and Services

E10 Telstra

The developer is to make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with the Certifying Authority prior to the release of the Subdivision Certificate linen plan.

E11 *Electricity*

The developer is to make satisfactory arrangements with Integral Energy for the supply of electricity to each lot. A letter from Integral Energy stating that satisfactory arrangements have been made for the provision of underground electricity plant is to be lodged with the Certifying Authority prior to the release of the linen plan.

E12 *Testing of Sewer Lines*

All sewer lines in each stage are to be tested to the satisfaction of the relevant Water Authority.

Roads

E13 *Street Naming*

The Proponent is to submit to Council a list of at least three (3) names in respect to each of the internal roads in accordance with Council's policy on Street Naming, prior to the issue of a Subdivision Certificate each stage of the development where a new road is proposed.

NSW Rural Fire Service

E14 *Bushfire Protection*

All of the relevant requirements of the NSW Rural Fire Service are to be met prior to the issue of a Subdivision Certificate/s to the satisfaction of the PCA.

Work as Executed Plan

E15 *Civil Work*

A Work as Executed Plan is to be prepared for all of the civil work undertaken for each Precinct as work is completed excluding roads where longitudinal grades are in excess of 1%. The Work as Executed Plan is to be prepared by a Registered Surveyor and lodged with Council for approval prior to issue of the Practical Completion Certificate and Subdivision Certificate/s.

Dedication of EEC, Bushland Reserve, Playground Area and Roads

E16 *Dedication of Land*

The Proponent will ensure the dedication to Council of the following components at the stages indicated:

- a) the Endangered Ecological Community, associated buffer area and bushland reserve upon registration of the plan of subdivision for **Stage 1** and **Stage 5**;
- b) the playground area and open space upon registration of the plan of subdivision for **Stage 3**; and,
- c) the drainage network and all internal roads upon registration of the plan of subdivision for each stage of the subdivision.

Maintenance of EEC and Bushland Reserve

E17 *Maintenance Period*

The Proponent will manage and maintain the EEC, associated buffer area and bushland reserve (including water quality control ponds) in accordance with the provisions and

requirements of the Vegetation Management Plan (refer to Condition B9) for a period of 3 years following the registration of the plan of subdivision for the final stage of the subdivision.

Protection of Native Fauna

E18 Restriction as to User – Pets

A Section 88B instrument is to be created over all residential lots in all stages of the subdivision requiring that cats and dogs cannot be kept within the subdivision (with the exception of companion and assistance animals). The draft wording of the instrument is to be lodged to Council for approval and Council is to be made a party to the instrument, whose approval is required for any alterations to the instrument. The instrument is to be registered with the registration of the subdivision plan.

Filling

E19 Certification

A Certificate issued by the Geotechnical Engineer is to be lodged with the Certifying Authority at the time a Subdivision Certificate/s is applied for, for each stage, certifying that the fill materials, when placed in accordance with the Geotechnical Specification, will be suitable for future residential development and are in accordance with AS2870.

SCHEDULE 3

MAJOR PROJECT NO. 05_0059

**182 LOT RESIDENTIAL SUBDIVISION OF LOT 172 DP 755923 & LOT 823 DP
247285, BERRINGER ROAD, CUNJURONG POINT ROAD AND
SUNSET STRIP, MANYANA**

STATEMENT OF COMMITMENTS

Final
received
17.3.08

COWMAN STODDART PTY LTD

Town Planning, Agricultural &
Environmental Consultants



ABN 29 057 616 896

The amended Statement of Commitments listed below has been compiled based on the current Preferred Project Report, the Environmental Assessment undertaken, the constraints and opportunities available at the site and the comments made by Shoalhaven City Council, various state government agencies and the public. They provide a commitment from the developer indicating their responsibilities in developing the site as proposed to ensure that the development is environmentally, socially, and economically sustainable.

In developing the subdivision, the developer gives the following commitments in order to minimise the impact on the environment:



Amended Statement of Commitments
 Manyana Estates Pty Ltd

Berringer and Cunjurong Point Roads and The Sunset Strip, Manyana (14 March 2008)

Item	Commitment	Timing
General	<p>The developer will carry out the development in accordance with this Environmental Assessment Report (EAR), prepared by Cowman Stoddart dated September 2006, the Preferred Project Report prepared by Cowman Stoddart dated October 2007, supporting reports and Subdivision Layout prepared by Allen Price & Associates Reference No 24256-09 Layout H Rev 02 dated 23 May 2007 (as amended 9/11/07) proposing 182 residential allotments, and two open space allotments.</p>	For the duration of the subdivision.
Legislative Controls/Requirements	<p>The developer will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> • Shoalhaven City Council - Construction Certificates for engineering works for each stage of the subdivision. The application for Construction Certificates will contain Design Drawings submitted containing, where relevant, detailed designs relating to earthworks, drainage, Soil erosion and Sediment Control and site rehabilitation, tree clearing and site stability, roadworks, footpaths/cycleways, water supply (both potable and use of reclaimed water) and sewerage works, and landscaping. • Shoalhaven City Council - Road Opening Permit from Shoalhaven City Council as required; • Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993); • Integral Energy - Design Certification; • Integral Energy - Notification of Arrangement; • Telstra - Compliance Certificate; • Shoalhaven Water - Compliance Certificate; • Shoalhaven City Council – Subdivision Certificates for each stage; • Department of Land and Property Information - registration of the subdivision. 	For the duration of the subdivision works.

Item	Commitment	Timing
Final Plan of Subdivision	The developer will prepare a final plan of subdivision and Section 88B instrument for each stage of the development in accordance with the recommendations of the Environmental Assessment, as amended by the Preferred Project Report and requirements of Shoalhaven City Council.	Prior to the release of Subdivision Certificates for each stage.
Ecological	Endangered Ecological Community	
	The developer will prepare a Vegetation Management Plan (VMP) in relation to that part of the site containing the Endangered Ecological Community (EEC) for approval by Shoalhaven City Council.	Prior to the release of the Construction Certificate for that stage of the development.
	The developer will implement the recommendations and prepare the site in accordance with the VMP prior to its dedication to Shoalhaven Council.	Prior to the release of the Subdivision Certificate which creates the lot(s) containing the EEC.
	The developer will maintain the Endangered Ecological Community in accordance with the recommendations of the approved Vegetation Management Plan after its dedication to Shoalhaven Council.	For a period of three (3) years, commencing upon the dedication of the land to Shoalhaven City Council.
	Other	
	The developer will impose a restriction on the title of each allotment requiring that any dogs or cats are kept only within the curtilage of a dwelling house, however dogs may be kept outside of the curtilage if secured on a leash.	Prior to the release of the Subdivision Certificate for that stage of the development.
Public Open Space	The developer will prepare and embellish all public reserves in accordance with the Vegetation Management Plan (for EEC) and detailed landscape design plans to be approved by Shoalhaven Council as part of the Construction Certificate.	Prior to release of certificate for subdivision for each stage/s containing public reserve.
	The developer will dedicate all public/drainage reserves to Shoalhaven City Council.	Prior to release of Subdivision Certificate and dedicated upon registration.
Waste Minimisation and Management	The developer will prepare a Waste Minimisation and Management Plan for subdivision construction works in accordance with Development Control Plan No. 93 for approval by Shoalhaven City Council for implementation.	Prior to the release of the Construction Certificate for each stage.

Item	Commitment	Timing
Construction	<p>The developer will prepare a Construction Management Plan for approval by Shoalhaven 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.</p>	<p>Prior to the commencement of construction and for the duration of the subdivision works.</p>
Urban Design	<p>The developer will prepare detailed design objectives and criteria to enable a consistent theme and character to be established for future development on all lots. The design objectives and criteria will be generally in accordance with the document "Cunjurong Point Road - Design Guidelines August 2006" prepared by Malbec Properties, and will be developed in consultation with the Council to ensure compatibility with Council's existing Development Control Plans.</p> <p>The final document will be submitted to the Department of Planning for approval.</p> <p>A restriction as to user will be placed over all future lots to restrict development to that which complies with the design objectives and criteria.</p> <p>The developer will show a tree preservation zone on the title of those allotments which adjoin the existing village in accordance with the plan prepared by Allen Price and Assoc - Drawing 24256-07 Rev 02.</p>	<p>Prior to the release of the Subdivision Certificate for each stage.</p>
Bushfire Management	<p>Provision of Asset Protection Zones</p> <p>The developer will establish and maintain Asset Protection Zones (APZs) for relevant allotments in accordance with the Bushfire Assessment, November 2007, prepared by Bushfire and Environmental Services Pty Ltd whilst under the developers ownership.</p> <p>The developer will install relevant infrastructure as required, including fire hydrants.</p> <p>Restriction as to User</p> <p>The developer will impose a Section 88B Restriction as to User on the title of relevant allotments specifying a Level of Construction in accordance with AS 3959 and as shown in Figure 3 in the Bush Fire Assessment prepared by Bushfire and Environmental Services dated November 2007.</p>	<p>Prior to the release of the Subdivision Certificate for each stage and until sale or transfer of ownership of each relevant allotment.</p> <p>Prior to the release of the Subdivision Certificate for each stage.</p> <p>Prior to the release of the Subdivision Certificate for each stage.</p>

Item	Commitment	Timing
Water Quality Management and Soil Control	The developer will design and install water quality control measures in accordance with the Construction Certificate Plans approved by Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each stage.
	The developer will maintain the water quality control measures for a period after dedication to Shoalhaven Council.	For a period of three (3) years, commencing upon the dedication to Shoalhaven City Council of the land containing the water quality control measures.
	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 Managing Urban Stormwater (MUS); Soils and Construction Volume 1, 4 th Edition and Construction Certificate Plans approved by Shoalhaven City Council and DCP 100.	Prior to release of the Construction Certificate for each stage.
Cultural Heritage	The developer will undertake measures as recommended in the report prepared by South East Archaeology Pty Ltd, and implement its findings.	For the duration of the subdivision works.
Infrastructure	The developer will inform the Jerrinja Local Aboriginal Land Council of progress of the development.	Ongoing through the construction of the subdivision.
	Roads	
	The developer will construct all roads and intersections with Berringer Rd, Cunjurong Point Rd and The Sunset Strip in accordance with DCP 100 and approved Construction Certificates.	Prior to the release of the Subdivision Certificate for each relevant stage.
	The developer will provide a minor street drainage system to accommodate the 5 year A.R.I. storm event in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for each relevant stage.
	The developer will provide a major street drainage system to accommodate the 100 year A.R.I. storm event in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for each relevant stage.
	The developer will construct footpaths and cycleways as shown on the plans prepared by Allen Price and Assoc and approved Construction Certificates.	Prior to the release of the Subdivision Certificate for each relevant stage.

Amended Statement of Commitments
 Manyana Estates Pty Ltd

Berringer and Cupjurong Point Roads and The Sunset Strip, Manyana (14 March 2008)

Item	Commitment	Timing
Infrastructure (continued)	The developer will provide street signs in accordance with the requirements of Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each stage.
	Traffic Calming	
	The developer will install two traffic calming devices within road number 3. Such works shall be in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for Stage 4.
	The developer will install one traffic calming device within roads numbered 2. Such works shall be in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for Stage 5.
	The developer will install one traffic calming device within roads numbered 4. Such works shall be in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for Stage 2.
	Bus Stop and Signage	
	The developer will provide a bus stop and appropriate signage on the southern side of Berringer Road adjoining the subdivision, generally in the location shown on the (APA Drawing 24256-09 Layout H dated 25.9.07) to the requirements of Shoalhaven City Council and the Shoalhaven Local Traffic Committee. Such works shall be in accordance with plans approved by Shoalhaven City Council with the Construction Certificate.	Prior to the release of the Subdivision Certificate for Stage 5
	The developer will install bus stop signage on the northern side of Berringer Road at a location to be agreed with Shoalhaven City Council and the Shoalhaven Local Traffic Committee.	Prior to the release of the Subdivision Certificate for Stage 5.
	Electricity and Telecommunications	
	The developer will provide underground power to each residential lot in the subdivision in accordance with the requirements of Integral Energy	Prior to the release of the Subdivision Certificate for each stage.
The developer will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with requirements of Telstra.	Prior to the release of the Subdivision Certificate for each stage.	

Item	Commitment	Timing
Infrastructure (continued)	Drainage	
	The developer will install street and interallotment drainage as necessary in accordance with plans approved by Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each stage as applicable.
	Water and Sewer Services – Residential Allotments	
	The developer will provide reticulated water and sewerage services to each lot in the subdivision in accordance with the requirements of Shoalhaven Water	Prior to the release of the Subdivision Certificate for each stage.
	The developer will provide infrastructure to allow each lot in the subdivision to allow each lot to connect to the reclaimed water from the Conjola Regional Sewerage Scheme.	Prior to the release of the Subdivision Certificate for each stage.
	Water and Sewer Services - Public Reserves	
	Within the public reserves, the developer will provide access to both the potable water and reclaimed water supplies.	Prior to the release of the Subdivision Certificate for each stage/s containing public reserve
Landscaping Plans	The developer will use native species, endemic to the locality in the preparation of landscaping plans, and subsequent works undertaken in conjunction with this subdivision.	For the duration of the subdivision works
Geotechnical	The developer will provide a lot classification geotechnical report to Shoalhaven City Council for each stage of development prior to the release of the final plan of subdivision for that stage.	Prior to the release of the Subdivision Certificate for each stage.
Staging	The developer will construct the subdivision in accordance with the Proposed Staging Plan prepared by Allen Price and Associates or as otherwise approved in Construction Certificate plans approved by Shoalhaven City Council.	For the duration of the subdivision works.
Developer Contributions	The developer will pay Section 94 developer contributions in accordance with Shoalhaven City Council's Section 94 Contributions Plan on a "per ET" basis for each stage of the residential subdivision.	Prior to the release of the Subdivision Certificate for each stage.

Amended Statement of Commitments
 Manyana Estates Pty Ltd
 Berringer and Cunjurong Point Roads and The Sunset Strip, Manyana (14 March 2008)

Item	Commitment	Timing
Developer Contributions (continued)	<p>The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.</p> <p>The developer will enter into a Voluntary Planning Agreement with Shoalhaven City Council under Section 93F of the EP&A Act to fund the costs of the improvement works outlined below for the sums stated as follows:</p> <ul style="list-style-type: none"> * Extension of Community Hall, Yalunga Reserve - \$36,134 * Upgrade of foreshore facilities including carparking - \$15,265 * Road upgrade works to Bendalong Rd and Inyadda Drive - \$56,160 * Construction of rural Type B intersection at intersection of Bendalong Rd and Inyadda Drive - \$12,721 <p>The Agreement will address the staging of payment of contributions in accordance with Condition B1 and will be registered on the title of the land in accordance with the Real Property Act 1900.</p>	<p>Prior to the release of the Subdivision Certificate for each stage.</p> <p>Prior to the release of the Construction Certificate for the first stage.</p>
Signage	<p>The developer will provide estate marketing signs in accordance with the provisions of DCP 89 – Exempt and Complying Development or as otherwise approved by Shoalhaven City Council.</p>	<p>For the duration of the subdivision works.</p>

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

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

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

- (1) the certifying authority before release of the Construction Certificate, and
- (2) the consent authority before the release of the subdivision certificate.

AN2 Requirements of Public Authorities for Connection to Services

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

AN3 Movement of Trucks Transporting Waste Material

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

AN4 Noise Generation

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

AN5 Other Details Required prior to Issue of Subdivision Certificate

The Proponent shall submit to the satisfaction of the consent authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of section 94 contributions,
- (2) An Occupation Certificate, and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Major Project No. 05_0059 and of compliance (or a Compliance Certificate) with the conditions of that consent.

AN6 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's relevant policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN7 Stormwater drainage works or effluent systems

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

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

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

AN8 Temporary Structures

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

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

AN9 Disability Discrimination Act

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

AN10 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent 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.