
Project Approval

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

I, the Minister for Planning, approved 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 development;
- Protect environmentally significant land and waterways;
- Maintain the amenity of the local area; and
- Encourage good subdivision design

The Hon Kristina Keneally MP
Minister for Planning

Sydney,

2008

S75W approved by the Director, Metropolitan and Regional Projects North on 3 July 2013
(05_0024 MOD 1)

S75W approved by the Acting Director, Industry Assessments on 22 April 2016 (05_0024
MOD 2)

S75W approved by the Director, Modification Assessments on 7 March 2018 (05_0024 MOD
3)

S75W approved by the Director, Modification Assessments on XX XXX 2018 (05_0024 MOD
4)

SCHEDULE 1

PART A—TABLE

Application made by:	Allen, Price and Associates
Application made to:	Minister for Planning
Project Application Number:	05_0024
On land comprising:	Lot 171 DP 4091810 1081810 Highview Drive, Dolphin Point
Local Government Area	Shoalhaven City Council
For the carrying out of:	Residential subdivision in 7 stages to create 104 freehold title lots, and the creation of a 6.2 hectare Conservation Reserve.
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 05_0024

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 Shoalhaven City Council

CPI means Consumer Price Index.

Department means the Department of Planning and Environment or its successors.

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

Environmental Assessment means the Environmental Assessment prepared by Allen, Price and Associates and dated September 2007, including all Appendices.

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.

Preferred Project Report means the Preferred Project Report prepared by Allen, Price and Associates dated October 2008.

Proponent means Allen, Price and Associates or any party acting upon this approval.

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

Secretary means the Sec

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

PART A—ADMINISTRATIVE CONDITIONS	5
PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	8
DESIGN DETAILS AND CHANGES	8
CONSTRUCTION MANAGEMENT	14
SUBDIVISION WORKS	15
MONETARY CONTRIBUTIONS	26
PART C—PRIOR TO COMMENCEMENT OF WORKS.....	17
NOTIFICATION REQUIREMENTS.....	17
STRUCTURAL WORKS	17
POLLUTION CONTROL	17
SERVICES.....	17
CONTACT DETAILS.....	18
PART D—DURING CONSTRUCTION OF STAGES 1A-7.....	18
CONSTRUCTION MANAGEMENT	18
STRUCTURAL WORKS	21
SITE MAINTENANCE	21
NOISE AND VIBRATION	22
HERITAGE.....	23
PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE	23
EARTHWORKS.....	24
SERVICES.....	25
DEDICATION OF LAND.....	25
PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE.....	36
EASEMENTS	37
PART G—POST OCCUPATION	37
ADVISORY NOTES	37
APPENDIX 1	23

SCHEDULE 2
RECOMMENDED CONDITIONS OF APPROVAL
MAJOR PROJECT NO. 05_0024

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) A 404 102 106 lot residential subdivision, roads and associated infrastructure, minor and major stormwater drainage system, Endangered ecological community/drainage reserve, water quality detention basin and threatened species habitat Conservation Reserve.

~~A2 *Staging*~~

~~The project is to be constructed in seven (7) consecutive stages generally as follows:~~

~~(1) Stage 1 comprises:~~

- ~~(a) Subdivision of Lot 171 in DP1081810 into Superlot of 1(b) and Superlot of Stages 2-7 and a 6.2 hectare threatened species habitat Conservation Reserve and fencing of Conservation Reserve;~~
- ~~(b) 19 residential lots (including one medium density lot, minimum area 1530m²), a 4930m² drainage reserve (including 3105m² for Endangered Ecological Community (EEC) conservation and 900m² for a water quality detention basin and to be dedicated to Council at this stage), 1600m² for useable passive Open Space (to be embellished and dedicated to Council at this stage), construction of the connector road, roundabout at the intersection with Road One, Highview Drive and Dolphin Point Drive, footpaths and cycleways, stormwater drainage works, road connection to the subdivision to the west (this may be deferred to a later stage depending on the development of the subdivision to the west) and associated road infrastructure;~~

~~(2) Stage 2 comprises:~~

~~19 lots, roads, footpaths and cycleways and stormwater drainage works;~~

~~(3) Stage 3 comprises:~~

~~1 lot, roads, footpaths and cycleways, and stormwater drainage works (Most of Stage 3 is required by Condition B2 to be dedicated as a conservation reserve);~~

~~(4) Stage 4 comprises:~~

~~15 lots (including one medium density lot, minimum area 1600m²), roads, footpaths and cycleways and stormwater drainage works.~~

~~(5) Stage 5 comprises:~~

~~12 lots, roads, footpaths and cycleways and stormwater drainage works, provision of high angle left turn lane onto the Princes Highway;~~

~~(6) Stage 6 comprises:~~

~~20 lots, roads, footpaths and cycleways and stormwater drainage works,~~

~~(7) Stage 7 comprises:~~

~~18 lots, roads, footpaths and cycleways and stormwater drainage works.~~

~~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.~~

A2 Staging

The project is to be constructed in six stages generally as follows:

(1) Stage 1 comprises:

14 residential lots, a 5.9ha threatened species habitat Conservation Reserve and fencing of the Conservation Reserve, a 4942m² drainage reserve (including 3108m² for Endangered Ecological Community (EEC) conservation and 900m² for a water quality detention basin to be dedicated to Council at this stage), 1564m² for useable passive Open Space (to be embellished and dedicated to Council at this stage), construction of the connector road, roundabout at the intersection with Road One, Highview Drive and Dolphin Point Drive, footpaths and cycleways, stormwater drainage works, road connection to the subdivision to the west (this may be deferred to a later stage depending on the development of the subdivision to the west), associated road infrastructure, and provision of an appropriate asset protection zone;

(2) Stage 2 comprises:

17 lots, roads, footpaths and cycleways, stormwater drainage works, and provision of an appropriate asset protection zone;

(3) Stage 3 comprises:

19 lots, roads, footpaths and cycleways, stormwater drainage works, and provision of an appropriate asset protection zone;

(4) Stage 4 comprises:

18 lots, roads, footpaths and cycleways, stormwater drainage works, and provision of an appropriate asset protection zone;

(5) Stage 5 comprises:

16 20 lots (including two medium density lots), roads, footpaths and cycleways, stormwater drainage works, provision of an appropriate asset protection zone, and provision of high angle left turn lane onto the Princes Highway;

(6) Stage 6 comprises:

18 lots, roads, footpaths and cycleways, stormwater drainage works, and provision of an appropriate asset protection zone.

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, the Preferred Project Report and the following drawings:

Plan of Subdivision prepared by Allen, Price and Associates			
Drawing No.	Revision	Name of Plan	Date
24163-24	02, As amended by	Plan of Proposed Residential Subdivision at Lot 171 DP1081810	October 2008

	Department of Planning	at Highview Drive, Dolphin Point for Malbec Pty Ltd.	
24163-21	08 11	Plan Showing Project Application for Proposed Staged Residential Development of Lot 171 DP1081810 at Highview Drive, Dolphin Point for Malbec Dolphin Point Pty Ltd	6 June 2013 22 February 2019
Engineering Drawings prepared by Storm Consulting			
Drawing No.	Revision	Name of Plan	Date
611-P01	-	Dolphin Point, stormwater management schematic	As submitted within Appendix M Water Cycle Management Report Oct 2008 for the Preferred Project Report.
611-P02		Dolphin Point, stormwater management schematic	As submitted within Appendix M Water Cycle Management Report Oct 2008 for the Preferred Project Report.
Landscape Drawings prepared by WH&G Smit Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
LA.1	B	Landscape Plan	30 October 2008

A4 Project in Accordance with Documents

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

- (1) *Environmental Assessment Report* prepared by Allen, Price and Associates on behalf of Malbec Pty. Ltd, dated 19 September 2007; and,
- (2) *Preferred Project Report/Response to Submissions* prepared by Allen, Price and Associates on behalf of Malbec Pty. Ltd, dated 31 October 2008.
- (3) *Request to Modify a Development Approval under Section 75W of the EP&A Act – Major Project 05_0024 for a Staged 102 Lot Residential Subdivision – Lot 171 DP 1081810 Highview Drive Dolphin Point for Malbec Dolphin Point Pty Ltd* prepared by Allen, Price and Associates on behalf of Malbec Properties Pty Ltd, dated 7 December 2012.
- (4) *Request to Modify a Development Approval under Section 75W of the EP&A Act - Major Project 05_0024 for a Staged 102 Lot Residential Subdivision - Lot 171 DP 1081A10 Highview Drive Dolphin Point for Malbec Dolphin Point Pty Ltd*, prepared by Allen, Price and Associates and dated 27 January 2015.
- (4)(5) *Aboriginal Heritage Management Plan* by South East Archaeology dated March 2016 and *Supplementary Report for Reassessment in Relation to Revised Development Plans – “An Aboriginal Heritage Impact Assessment of the Proposed Residential Subdivision of Lot 171 DP 1081810, Highview Drive, Dolphin Point, South Coast of New South Wales”* by South East Archaeology dated November 2017.
- (6) *Request to Modify a Development Approval under Section 75W of the EP&A Act – Major Project 05_0024 for a Staged 102 Lot Residential Subdivision – (Former Lot 171 DP 1081810) now Lots 117/118 DP 1226471, Highview Drive*

Dolphin Point for Malbec Dolphin Point Pty Ltd, prepared by Allen, Price & Scarratts Pty Ltd dated 8 November 2017, Consolidated Response to Submissions prepared by Allen, Price & Scarratts Pty Ltd dated 13 April 2018, Addendum to Consolidated Response to Submissions prepared by Allen, Price & Scarratts Pty Ltd dated 28 August 2018 and additional information prepared by Allen, Price & Scarratts Pty Ltd dated 29 March 2019.

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 *Building Code of Australia*

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

~~B1—Design Modifications~~

~~In order to ensure an environmentally sustainable outcome, the design of the subdivision shall be amended as follows:~~

- ~~(1) To create useable public open space one lot is to be consolidated with the road connecting Bonnie Troon Close with Road One to form a 1600m² Public Reserve. The adjacent two lots are to be reconfigured so that one lot fronts onto Road One and one lot fronts onto Bonnie Troon Close as illustrated in heavy black line on the plan attached at Appendix 1. A pedestrian pathway, minimum width of 10m wide, is to connect this Reserve with Bonnie Troon Close. A Landscape Design Plan for the Public Open Space is to be provided that is consistent with Element RE7-Public Open Space of Shoalhaven DCP 100 Subdivision Code Amendment 1 and Planning for Bushfire Protection. The Plan is to be submitted to Council for approval;~~
- ~~(2) To create a Conservation Reserve for the protection of threatened species habitat and a perimeter road the 2.487 hectare residual lot and the 1.480 hectare Endangered ecological community/drainage reserve in the south-west of the site is to be consolidated with one lot from Stage 1; one lot from Stage 2, 19 lots and one medium density lot from Stage 3; two lots from Stage 4; and 3 lots from Stage 5 as illustrated in heavy black line on the plan attached at Appendix 1 and Condition B2;~~
- ~~(3) A road is required to border the northern and eastern edges of this conservation reserve. To provide this road and to ensure an adequate asset protection zone to adjacent future residences:
 - ~~(a) 20m wide road is to connect Road One to Road Five at the intersection of Road One with the road connection to the subdivision to the west;~~
 - ~~(b) Road Three is to remain 20m wide until it connects to Road Five;~~
 - ~~(c) Road Five is to remain 20m wide from the intersection with Road One through until the intersection with Road Three;~~~~
- ~~(4) Asset protection zones are to be provided to lots in accordance with Planning for Bushfire Protection 2006;~~

-
- ~~(5) To ensure adequate provision of lots capable of supporting medium density development two lots within Stage 4 are to be consolidated to provide a medium density lot of a minimum of 1600m²; see Condition B4;~~
- ~~(6) No Asset Protection Zones are to be included within the Conservation Reserve.~~
- ~~(7) Footpath/cycleways, as shown on plan drawn by Allen Price and Associates 24163-31 Revision 2, require the following modifications:~~
- ~~(a) The footpath/cycleway crossing of Road One east of Road Two shall be relocated to the western side of the roundabout at Dolphin Point Road;~~
 - ~~(b) A footpath/cycleway is to be provided along the full length of the northern side of Road Five;~~
 - ~~(c) The footpath/cycleway on the link road to the subdivision to the west shall be relocated to the northern side of the road.~~
- ~~(8) There shall be no vehicular connection through from the subdivision development to Bonnie Troon Close. The extension of Road Four to the north of Road One that is depicted as a road with a raised concrete threshold in the submitted project application plan by Allen Price and Associates shall be deleted. A 10m wide pedestrian pathway shall be provided between the Public Reserve and Bonnie Troon Close as required by Condition B3.~~

~~Details of the final subdivision layout shall be submitted to, and endorsed by the Rural Fire Service, and approved by the Department of Planning prior to the issue of a Construction Certificate.~~

B2 Conservation Reserve

- 1) A ~~6.2~~ **5.9** hectare Conservation Reserve is to be created as described in accordance with Condition B1 and shown on the Plan at Appendix 1. This Reserve is to be managed in perpetuity for the purpose of conservation of threatened species habitat. No development is to occur within this Reserve. The management of the Reserve is to be funded and implemented by the proponent in accordance with a Conservation Management Plan to be endorsed by the ~~Department of Environment and Climate Change (DECC)~~ **NSW Office of Environment and Heritage** and approved by the Department prior to the issue of a Construction Certificate for Stage 1.
- 2) The Conservation Reserve Management Plan is to detail:
 - a) Measures to control feral and domestic animals;
 - b) Measures to control weeds;
 - c) Fire management measures and an ecological fire regime;
 - d) Specifications of fencing to ensure that vehicles, including trail bikes, are prevented from entering the reserve;
 - e) Specifications for ongoing protection of the reserve from impacts associated with adjacent residential areas; and
 - f) Educational/Regulatory style signage.
- 3) A detailed weed/reserve condition map is to be provided as a baseline from which site rehabilitation/management can be measured
- 4) Stormwater drainage is not to be directed into the reserve
- 5) A vehicle proof fence is to be constructed along the perimeter of the interface of the reserve with residential areas. The fence is to be constructed progressively along with the construction of the perimeter road for each stage or at an earlier stage if the Department requests;

-
- 6) A perimeter road is to be provided along the perimeter of the interface of the reserve on all northern and eastern aspects
 - 7) All vegetation rehabilitation work is to be supervised by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration and 4 years bush regeneration experience.
 - 8) A monitoring report is to be submitted to the Department and DECC annually (1 July) detailing the works undertaken as part of the Conservation Reserve Management Plan.

~~B3 — Medium Density Lot~~

~~One lot within Stage 4 of at least 1600m² that is capable of supporting medium density development is to be provided to replace that medium density lot deleted by Condition B1. The medium density lot is to comply with DCP 71-Medium Density Housing.~~

~~B3 — Medium Density Lot~~

~~Two medium density lots of 1765m² and 1775m² (lots 504 and 512 respectively) are to be provided within Stage 5. The medium density lots are to comply with DCP 71-Medium Density Housing.~~

~~B4 — Tree Removal Plan~~

~~A Tree Removal Plan is to be produced detailing each tree required to be removed for the creation of the Roads, Drainage Works, Building Envelopes and Asset Protection Zones for each lot.~~

~~The Plan is to be produced by a suitably qualified arborist and shall ensure:~~

- ~~1) each tree is identified by a number, its species, its health and whether it is to be retained or removed;~~
- ~~2) retention of all structurally stable trees not required to be removed to fulfil Asset Protection Zone requirements or to accommodate building envelopes and driveways or for the provision of services; and~~
- ~~3) retention of all trees within public and road reserves, except where required to be removed for the provision of services and construction of roads.~~

~~The Plan is to detail:~~

- ~~1) Existing site conditions (contours, vegetation, drainage etc.);~~
- ~~2) All existing and proposed infrastructure including underground services;~~
- ~~3) Approximate location and description of structures and vegetation on adjacent property;~~
- ~~4) Vegetation to be retained;~~
- ~~5) Trees identified as dangerous that require removal;~~
- ~~6) The proposed tree removal method including inspection of hollows by a suitably qualified person prior to felling. Methods should be consistent with the recommendations contained in the Environmental Assessment at Section 6.2 of Appendix 4-Flora and Fauna Assessment;~~
- ~~7) Nest boxes are to be provided at a ration of three boxes for each hollow bearing tree removed. Details should be provided of methods to be used to permanently attach nest boxes at an appropriate height to suitable trees within the land to be excluded from development;~~

-
- ~~8) 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 affected fauna can be effectively managed; and~~
 - ~~9) The means of protecting trees and vegetation nominated for retention during construction of all works. All areas that are to be left undisturbed are to be cordoned off from areas of construction works.~~

~~A Tree Removal Plan is to be submitted to Council for approval prior to the issue of a Construction Certificate for each stage.~~

B4 *Tree Retention Plan*

A Tree Retention Plan is to be produced detailing each tree required to be retained after the creation of Roads, Drainage Works, Building Envelopes and Asset Protection Zones for each lot.

The Plan is to be produced by a suitably qualified arborist and shall ensure:

- 1) each tree on the site to be retained (excluding those trees within the Conservation Reserve) is identified by a number, its species, and its health;
- 2) retention of all structurally stable trees not required to be removed to fulfil Asset Protection Zone requirements or to accommodate building envelopes and driveways or for the provision of services; and
- 3) retention of all structurally stable trees within public and road reserves, except where required to be removed for the provision of services and construction of roads.

The Plan is to detail:

- 4) Existing site conditions (contours, vegetation, drainage etc.);
- 5) All existing and proposed infrastructure including underground services;
- 6) Approximate location and description of structures and vegetation on adjacent property;
- 7) Vegetation to be retained;
- 8) The proposed tree removal method including inspection of hollows by a suitably qualified person prior to felling. Methods should be consistent with the recommendations contained in the Environmental Assessment at Section 6.2 of Appendix 4-Flora and Fauna Assessment;
- 9) Nest boxes are to be provided at a ration of three boxes for each hollow bearing tree removed. Details should be provided of methods to be used to permanently attach nest boxes at an appropriate height to suitable trees within the land to be excluded from development;
- 10) 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 affected fauna can be effectively managed;
- 11) The means of protecting trees and vegetation nominated for retention during construction of all works. All areas that are to be left undisturbed are to be cordoned off from areas of construction works; and
- 12) Any fauna detected as a result of clearing works.

A Tree Retention Plan is to be submitted to Council for approval prior to the issue of a Construction Certificate for each stage.

B5 *Vegetation Management Plan EEC/Drainage Reserve*

Prior to the issue of the Construction Certificate for Stage 1 a Vegetation Management Plan (VMP) for the land to be dedicated to Council is to be submitted to Council for approval.

- 1) The VMP shall be consistent with the Department of Water and Energy's *Guideline for controlled activities – Vegetation Management Plan* and shall include:
 - a) details for the control of feral animals;
 - b) a requirement to retain all trees with hollows and all standing and fallen timber;
 - c) a requirement to re-use felled trees as habitat structures;
 - d) details on how weeds will be controlled in retained native vegetation;
 - e) a detailed weed map as a baseline from which site rehabilitation can be measured;
 - f) fire management measures and an ecological fire regime
 - g) details on the supplementary planting of local indigenous native vegetation species;
 - h) a prohibition on any vehicular access to naturally vegetated areas;
 - i) details of reserve fencing, to be in accordance with Council requirements;
 - j) a requirement that the extent of the Swamp Sclerophyll Forest on Coastal Floodplains EEC to be retained, as depicted on the plan of proposed subdivision by Allen, Price and Associates numbered 24163-21 Revision 02, be marked out on the ground prior to any works being undertaken in the area;
 - k) details on how the EEC will be protected during construction of the water quality facility and Road One;
 - l) details on the management of bioswales;
 - m) stormwater controls; and
 - n) monitoring details.
- 2) The proponent is to undertake vegetation maintenance and fencing works as part of the VMP from the date that site works commence until 80% of all the lots have been sold.
- 3) All vegetation rehabilitation work funded by the proponent is to be supervised by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration and 4 years bush regeneration experience.
- 4) A monitoring report is to be submitted to Council annually (1 July) detailing the works undertaken as part of the VMP.

B6 Weed Control Plan

Prior to the issue of the Construction Certificate for Stage 1 a Weed Control Plan for the entire site is to be produced by an appropriately qualified person and approved by Council. The Weed Control Plan shall detail weed management to be undertaken by the proponent across the site until 80% of all lots have been sold.

B7 Landscaping Plan

Landscaping is to be provided in accordance with the Landscape Plan produced by WH&G Smit dated 30/10/08. A minimum of 50% of the tree species in Stage One, Two and Three are to be the Glossy Black Cockatoo feed tree species *Allocasuarina littoralis*, all other plant species are to be locally endemic to the area and grown from locally sourced seed. The final species list is to be approved by Council prior to the issue of Construction Certificate for each stage.

B7A Landscaping Design Plan – Public Open Space

A Landscape Design Plan for the Public Open Space is to be provided that is consistent with Element RE7-Public Open Space of *Shoalhaven DCP 100 Subdivision Code Amendment 1* and *Planning for Bushfire Protection*. The Plan is to be submitted to Council for approval prior to the issue of a Construction Certificate for Stage 1.

~~B8 Groundwater Interception~~

~~Stormwater, and other drainage structures such as detention basins, and other water quality control measures, shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table. Design details for each stage shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate for each stage.~~

~~B9 Provision of Bus Bays and Bus Shelters~~

~~The developer is to provide four bus bays and four bus shelters. Indented bus bays are required on either side of Road One, within the road reserve, north of the connection to the subdivision to the west, and on either side of Dolphin Point Road, north of intersection with Road One in conjunction with Stage One. A Bus Bay and Bus Shelter plan is to be submitted for Council approval prior to the release of a construction certificate for Stage 1 that details locations and specifications of indented bus bays and bus shelters including concrete pads.~~

B9 Provision of Bus Shelter within Stage 2

The proponent is to provide a bus shelter on the southern side of Road One near the intersection of Road Six as part of Stage 2. Details of the precise location and specifications of the bus shelter are to be submitted to Council for approval prior to the release of a construction certificate for Stage 2.

B10 GPS Locations of Threatened Species

Prior to the issue of the Construction Certificate for Stage 1 the applicant is to provide the NPWS Wildlife Atlas with a report detailing the GPS locations of all threatened species locations found during site surveys.

B11 Asset Protection Requirements

- 1) Prior to the issue of the Construction Certificate for Stage 1 the RFS is to endorse and the Department is to approve a final plan of subdivision layout.
- 2) Asset Protection Zones are to be provided in accordance with Appendix 2 of *Planning for Bushfire Protection 2006*.
- 3) Public access (including internal and perimeter roads), water supply for fire fighting purposes and water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*
- 4) All Asset Protection Zones are to be provided outside of the Conservation Reserve and any Endangered Ecological community, riparian zone or buffers.
- 5) Landscaping is to be in accordance with Appendix 5 of *Planning for Bush Fire Protection 2006*.
- 6) Emergency evacuation measures are to be provided in accordance with section 4.2.7 of *Planning for Bushfire Protection 2006*.

B12 Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998) to address any works likely to encounter acid

sulphate soils. The Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for each stage as appropriate.

~~**B13 Formalised entry to Barnunj SCA**~~

~~Prior to the issue of a Construction Certificate for Stage 7 agreement must be reached with DECC about the location of a formalised entry from the subdivision into Barnunj SCA. The proponent is to fund all required work.~~

B13 Formalised entry to Barnunj SCA

Prior to the issue of a Construction Certificate for Stage 6, an agreement must be reached with the NSW Office of Environment and Heritage regarding the location of a formalised entry from the site into the Barnunj SCA. The proponent is to fund all required work. Details regarding the formalised entry shall be submitted to and approved by Council.

Construction Management

B14 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, but not be limited to, the following matters where relevant:
 - a) hours of work;
 - b) contact details of site manager;
 - c) traffic and pedestrian management;
 - d) noise and vibration management;
 - e) construction waste management;
 - f) erosion and sediment control; and,
 - g) flora and fauna management.
 - h) protection of Conservation Reserve

B15 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- 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.

B16 Erosion and Sediment Control Plan

An appropriately qualified engineer shall prepare an Erosion and Sediment Control Plan. The soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Version 4 (Landcom 2004)*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage.

Subdivision Works

B17 Stormwater Drainage

- 1) The stormwater drainage system shall be designed to satisfy the minor and major systems performance criteria of Shoalhaven City Council;
- 2) The peak rate of runoff from the development shall not exceed current condition rates of runoff for storms ranging between 1 year and 100 year ARI for a range of storm durations up to and including three hours duration;
- 3) The following environmental targets are to be achieved for the development: 90% reduction in the average annual gross pollutant (size > 5mm) load, 85% reduction in the average annual total suspended solids load, 65% reduction in the average annual total phosphorus load, and 45% reduction in the average annual total nitrogen load. ~~The associated MUSIC model electronic input and output files are to be 'sound' and are to be subject to a 'peer review' by a suitably qualified and experienced engineer.~~
- 4) The proposed constructed wetland (as per plan produced by Storm Consulting numbered 611-PO1 and plan of Proposed Residential Subdivision by Allen, Price and Associates ~~Rev 2 Plan No. 24163-21 Revision 8, dated 06.06.13~~ 11, dated 22 February 2019 shall be designed by an appropriately qualified person and generally in accordance with the Constructed Wetlands Manual (DLWC 1998).
- 5) A plan of any required interallotment drainage, and easements to facilitate this drainage, is to be approved by Council

Details of the design of the stormwater drainage system are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for ~~each Stage~~ Stage 1.

B18 Water Quality Treatment Devices

Prior to the issue of a Construction Certificate for Stage 1 Council is to approve the final choice of ~~proprietary~~ water quality treatment devices to ensure compatibility with Council maintenance practices.

B19 Road Works Design

- 1) The collector road (Road One) and sections of Road Three, Road ~~Five Six~~ and Vista Drive that form the 20 metre wide perimeter road to the Conservation Reserve are to be constructed with a 9 metre road pavement width. All other roads are to be 16 metres wide with a 6 metre road pavement width.
- 2) All roundabouts are to be designed to make provision for pedestrians to cross the road at all splitter islands in accordance with the Austroads guidelines.
- 3) Traffic control devices are to be incorporated into the design of roads in accordance with the requirements of Element RE4 of Shoalhaven DCP 100.
- ~~4) As per the Plan of Proposed Residential Subdivision drawn by Allen Price and Associates 24163-21 Revision 02 dated October 2008 a roundabout is to be provided at the intersection of Dolphin Point Road, Seaside Parade, Highview Drive and Road One. All legs of this roundabout are to accommodate the manoeuvring of a 14.5 m rigid bus. The roundabout is to be provided with an inscribed circle 32m in diameter, containing a 6m wide circulating lane, and a landscaped central island 9m in diameter with a 5.5m wide concrete apron (total island width 20 in diameter).~~
- 4) As per the Plan of Proposed Residential Subdivision drawn by Allen Price and Associates Plan No. 24163-21 Revision ~~8, dated 06.06.13~~ 11, dated 22 February 2019, a roundabout is to be provided at the intersection of Dolphin Point Road, Seaside Parade, Highview Drive and Road One. All legs of this roundabout are to

accommodate the manoeuvring of a 14.5 m rigid bus (or smaller sized vehicle, as otherwise agreed by council). Design of the roundabout is to be prepared in consultation with council, and is required to conform with the applicable Austroad standards.

- 5) Pram ramps to the Australian Standard are to be provided at all locations where pathways cross roads, including where layback kerb and gutter is to be provided.
- 6) A pedestrian refuge in accordance with ~~RTA Technical Directions~~ Austroad standards is to be provided where the footpath/cycleway crosses Road One at the roundabout. Refuge design is to accommodate swept paths of semi trailers which are used to deliver building materials for house construction.
- 7) LATM treatments are to be provided in accordance with AS1742.13 and RTA TDT2001/04 along Road One ~~and Road Two and on Vista Drive south of Bonito Street.~~
- 8) A mountable roundabout is to be constructed at the intersection of Road One and Road Four if Safe Intersection Sight Distance to Austroads standards cannot be achieved around the curve in Road One. The measurement for sight distance should occur in conjunction with each stage release and if found to be deficient, the roundabout is to be constructed prior to the next stage release.
- 9) Public road access is to comply with section 4.1.3(1) and all property access roads are to comply with section 4.1.3(2) of *Planning for Bushfire Protection*.
- 10) There shall be no through connection from the subdivision development to Bonnie Troon Close. The extension of Road Four to the north of Road One that is depicted as a road with a raised concrete threshold in the submitted project application plan by Allen Price and Associates shall be constructed as a standard 16m wide road ending in a cul-de-sac. Bollards, or similar, are to be installed, to RFS specification, at the northern end of the road to prevent motor vehicles (except in the case of emergency), but not pedestrians or bicycles, from travelling through to Bonnie Troon Close.

Final design plans of the roads within the subdivision, incorporating these requirements, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Shoalhaven City Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for each stage.

B20 Construction of Collector Road Connection

- 1) The collector road connection to the adjoining site to the west (Lot 11, DP1104789 and part Lot 72, DP 1073600) is to be constructed at the cost of the proponent.
- 2) The collector road connection is to be constructed at an appropriate level to join with the collector road connection from the western side of the creek (to be provided by the developer of the adjoining site).
- 3) Should the collector road connection between the subject site and the adjoining site to the west not be constructed prior to the completion of construction of the final stage of subdivision covered by this approval, a bank guarantee covering the cost of the abovementioned works is to be provided to Council, prior to the issue of a Construction Certificate for Stage ~~7~~ 6. ~~Should no subdivision works commence on the adjoining land within 5 years of the release of the Subdivision Certificate for Stage 6, the bank guarantee is to be released by Council.~~

~~B21 Provision of Left Turn Lane onto the Princes Highway from the Roundabout at Dolphin Point Road Link~~

~~The proponent shall construct a second approach lane to the Highway from the exit from the adjacent roundabout, including a high entry angle left turn lane onto the Highway to RTA standards, either in conjunction with Stage 5 of the subdivision or when road widening is undertaken at Lot 6 DP1123774, whichever is the latter. The following RTA conditions will be required to be met:~~

-
- 1) ~~Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.~~
 - 2) ~~All roadworks and/or traffic control facilities associated with this development will be at no cost to the RTA and completed prior to occupation~~
 - 3) ~~Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed for any works within the Princes Highway road reservation.~~
 - 4) ~~Section 138 concurrence under the *Roads Act 1993* shall be obtained from the RTA prior to construction.~~
 - 5) ~~The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction to the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to the commencement of work to process the Road Occupancy Licence. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.~~

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 *Notice to be Given Prior to Commencement / Excavation*

- 1) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each 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 the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

Structural Works

C2 *Retaining Walls*

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

Pollution Control

C3 *Erosion and Sediment Control*

Prior to commencement of work 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 Principal Certifying Authority.

Services

C4 *Existing Services*

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

Contact Details

C5 Contact Telephone Number

Prior to the commencement of the 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 OF STAGES 1A-7**~~

PART D—DURING CONSTRUCTION OF STAGES 1-6

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, Council or the PCA.

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, but not limited to:

- 1) Details of the Builder, Principal Certifying Authority 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 are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

~~**D3 Provision of Indented Bus Bays and Bus Shelters**~~

- ~~1) During construction of Stage 1 indented bus bays are to be provided including concrete pads at the back of the barrier kerb, suitable for bus shelters in accordance with the Bus Bay and Bus Shelter Plan.~~
- ~~2) During construction of Stage 2 bus shelters to Council requirements are to be provided at the bus bays.~~

D4 Provision of Public Open Space Reserve

The Public Open Space Reserve is to be provided in accordance with the Council approved Landscape Design Plan and to Council satisfaction prior to the provision of the final Subdivision Certificate.

D5 Conservation Reserve

Prior to the issue of the construction certificate for Stage 2:

- 1) the boundary of the final approved Conservation Reserve is to be surveyed and marked by a registered surveyor;
- 2) The boundary is to be fenced in accordance with the Conservation Reserve Management Plan;
- 3) All recommendations of the Conservation Reserve Management Plan are to be implemented by the Proponent until 80% of the lots have been sold;
- 4) There must at all times be an appropriately secure fence between any subdivision or construction works and the boundary of the Conservation Reserve to protect the Conservation Reserve from encroachment, vegetation clearing, waste disposal or vehicular damage. Any damage to the Conservation Reserve must immediately be reported to the Department and remediation work carried out under the Department's direction;
- 5) Signage as described in the approved Conservation Reserve Management Plan is to be securely attached to the fence as it is constructed.

D6 *Landscaping*

Landscaping is to be provided as per the final WH&G Smit Landscape Plan as approved by Council.

D7 *Operation of Vegetation Management Plan*

All recommendations of the Vegetation Management Plan (VMP) as approved by Council are to be implemented and:

- 1) all vegetation the subject of the VMP is to be maintained in accordance with the VMP until such a time as 80% of the lots have been sold;
- 2) The EEC is to be protected at all times, in accordance with the VMP, during construction of the water quality facility and Road One.

D8 *Operation of Weed Control Plan*

All recommendations of the Weed Control Plan (WCP) are to be implemented and the site is to be maintained in accordance with the WCP until such a time as 80% of the lots have been sold.

~~**D9 *Operation of Tree Removal Plan***~~

- ~~1) All recommendations of the Tree Removal Plan (TRP) as approved by Council are to be implemented during the clearance of each stage of the subdivision.~~
- ~~2) Trees not approved for felling are to be protected during construction works;~~
- ~~3) Prior to felling trees with hollows are to be inspected by a suitably qualified ecologist to ensure that no fauna are harmed during tree felling;~~
- ~~4) Tree hollows in trees approved to be felled are to be salvaged and re-used within the land to be excluded from development.~~

~~**D9 *Operation of Tree Retention Plan***~~

- ~~1) All recommendations of the Tree Retention Plan as approved by Council are to be implemented during the clearance of each stage of the subdivision.~~
- ~~2) Trees not approved for felling are to be protected during construction works;~~

-
- 3) Prior to felling trees with hollows, an inspection by a suitably qualified ecologist is required to ensure that no fauna are harmed during tree felling;
 - 4) Tree hollows in trees approved to be felled are to be salvaged and re-used within the land to be excluded from development.

D10 Operation of Water Quality Monitoring Strategy

- 1) The water quality of water discharged from the sediment control/water quality pond is to be monitored in accordance with the Water Quality Monitoring Strategy throughout the course of the construction works and for a period of 12 months after the release of the final Subdivision Certificate under this approval.
- 2) Water quality testing is to be carried out immediately after each significant phase of construction or at 3 monthly intervals.
- 3) The water quality is to be compared with the target levels of 90% reduction in the average annual gross pollutant (size > 5mm) load, 85% reduction in the average annual total suspended solids load, 65% reduction in the average annual total phosphorus load, and 45% reduction in the average annual total nitrogen load (see also Condition B17). Copies of the monitoring results are to be forwarded to Council on a quarterly basis.
- 4) Should the water quality not comply with the target levels, works are to be carried out to ensure compliance with the levels.
- 5) Details of the Water Quality Monitoring are to be submitted to the Certifying Authority as soon as they are available after testing is carried out.

D11 Protection of Trees – Street Trees

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

An Arborist must approve any mechanical excavation deeper than 300mm within the drip-line of any tree to be retained.

D12 Protection of Trees – On-site Trees

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

An Arborist must approve any mechanical excavation deeper than 300mm within the drip-line of any tree to be retained.

~~D13 Cut and Fill~~

~~Any cutting or filling of any residential lot is not to exceed 500mm of natural ground level, excepting for those flood-affected lots requiring filling to achieve the required flood planning level of RL4.01 AHD in the north-west of the site.~~

D13A Groundwater Interception

The development must not increase the infiltration of surface water into the existing underlying groundwater due to the provision of services, infrastructure, and water quality treatment devices. Should the interception of groundwater occur during construction works, and that groundwater is likely to damage or cause nuisance to current or future property owners, the developer shall be required to collect that groundwater through a sub-soil drainage system and direct the groundwater to the piped stormwater drainage system.

Structural Works

D14 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Site Maintenance

D15 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.

~~**D16 Water Quality Monitoring**~~

- ~~1) The water quality of water discharged from the sediment control/water quality pond is to be monitored throughout the course of the construction works and for a period of 12 months after the release of the final Subdivision Certificate under this approval.~~
- ~~2) Water quality testing is to be carried out immediately after each significant phase of construction or at 3 monthly intervals.~~
- ~~3) The water quality is to be compared with the target levels contained in Condition B17. Copies of the monitoring results are to be forwarded to Council on a quarterly basis.~~
- ~~4) Should the water quality not comply with the target levels, works are to be carried out to ensure compliance with the levels.~~

~~Details of the Water Quality Monitoring are to be submitted to the Certifying Authority as soon as they are available after testing is carried out.~~

D17 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.

D18 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 responsibly,
- (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, **and the works contractor is required**

to remove any materials dropped on the roadways during construction and at times of wet weather,

- ~~(6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,~~
- (6) Shaker pads or rumble grids to be maintained by the works contractor shall be installed at the work site construction entry (within the site) to remove dust from vehicle wheels before exiting the site,
- (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.

D19 Prohibition of Dogs On Site During Construction Works

To protect native fauna in the locality, no dogs may be kept on the site at any time during construction works.

Noise and Vibration

D20 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.

D21 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)~~ L_{Aeq10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by more than ~~5dB(A)~~ 10dB.
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) 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)~~ 10dB must be

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

D22 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 must only be installed where approved in the Construction Management Plan.

D23 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 the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

Heritage

D24 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 and the Ulladulla Local Aboriginal Land Council (LALC) must be informed. These LALC will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change and the Ulladulla LALC.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 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* 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 or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate - Roads
- b) Compliance Certificate - Water Reticulation
- c) Compliance Certificate - Sewerage Reticulation
- d) Compliance Certificate - Drainage

Earthworks

E3 Retaining Walls

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

E4 Geotechnical

The proponent is to provide a lot classification geotechnical report to Council for each stage of the development prior to the release of the Subdivision Certificate for each Stage.

E5 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88E of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88E instrument.
 - c) Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- 2) Any Section 88E Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) In addition to the above certification, the following is to be included in the Section 88E Instrument to accompany the final plan of subdivision:
 - ~~a) A restriction to user for each lot requiring that no cats or dogs (other than guide dogs for assistance of vision impaired persons) may be kept on any allotment at any time;~~
 - a) A restriction as to user for each allotment requiring that:
 - (i) no cats may be kept on any allotment at any time; and
 - (ii) all dogs must be kept within the confines of a residential allotment, or kept on a leash at all other times.
 - b) A restriction to user for each lot requiring that at the commencement of building works and in perpetuity each affected lot shall be managed, in accordance with the amended Subdivision Layout and Asset Protection Zone Plan, to be endorsed by the RFS and approved by the Department prior to issue of the Construction Certificate for Stage 1, as an inner protection zone as outlined in *Planning for Bush Fire Protection* and the RFS document *Standards for asset protection zones*;
 - c) A restriction to user for each lot requiring that lots affected by flooding as shown on the plan produced by Storm Consulting numbered 611-PO2 shall have a flood planning level set at a minimum of RL 4.01m AHD;

-
- d) A restriction to user for each lot requiring that 5 kL Rainwater Tanks are to be connected to each residential building;
 - e) A covenant requiring that the Conservation Reserve is to be managed in perpetuity by the proponent for conservation and in accordance with the approved Conservation Reserve Management Plan (if this Reserve is transferred to DECC Estate this part of Condition E5 will not be necessary).
 - f) A restriction to user for each lot requiring that all residential lots in all stages of the subdivision are required to use materials and colours in the erection of buildings on the lots predominantly of muted shades that will blend in with the surrounding bushland.
- 4) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Note: The restrictions as to user outlined above must be registered prior to the issue of each Subdivision Certificate for the new lots permitted within the project area.

Services

E6 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (water, 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 Open Space

- 1) The proponent must make necessary arrangements for the dedication of the open space areas within the subdivision to Council prior to release of the Subdivision Certificate for Stage 1 of the project, this includes the 4930m² EEC protection/drainage reserve and the 1600m² public open space reserve in the northern part of the site.
- 2) Prior to the issue of a Subdivision Certificate for Stage 1 of the subdivision, a deed of agreement must be prepared with Council to allow the proponent to carry out management and maintenance works on the open space area in Stage 1 until 80% of the lots within the project area have been sold, prior to Council maintaining this area.

E8 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and dedicated to Council as public roads prior to issue of a Subdivision Certificate **for each relevant stage**. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads.

E9 Dedication of Conservation Reserve to DECC

If the Conservation Reserve is offered for dedication to DECC and if DECC accepts the dedication the Proponent must make necessary arrangements for the dedication of the Conservation Reserve to DECC prior to the release of the subdivision certificate for Stage 1.

Prior to the issue of a Subdivision Certificate for Stage 1 of the subdivision, a deed of agreement must be prepared with DECC to allow the proponent to carry out management and maintenance works on the Conservation Reserve in accordance with the Conservation Reserve Management Plan. The proponent is to manage the Conservation Reserve until at least 80% of the lots within the project area have been sold, prior to DECC maintaining this area.

All necessary rehabilitation work must be undertaken within the Conservation Reserve to DECC satisfaction prior to management passing to DECC.

~~E10 — Construction of Collector Road Connection~~

~~Should the collector road between the subject site through the adjoining property to the west (Lot 11, DP1104789 and part Lot 72, DP 1073600) to Wuru Road not be constructed prior to the completion of construction of the final stage of subdivision covered by this approval, a bank guarantee covering the cost of the connection of the collector road to the adjoining site to the west is to be provided to Council.~~

~~Upon construction of the connection of the collector road from the west through the adjoining property, the works are to be funded by the bank guarantee. Should no subdivision works commence on the adjoining land within 5 years of the release of the Subdivision Certificate for the final stage of the subdivision, the bank guarantee is to be released by Council.~~

Monetary Contributions

~~E11 — 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)*:~~

~~(1) — Amount of Contributions~~

05 AREC 0001 Tennis, Football, Cricket and Netball			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$1622.02	\$3244.04
Stage 1b	19		\$30818.38
Stage 2	19		\$30818.38
Stage 3	4		\$1622.02
Stage 4	15		\$24330.30
Stage 5	12		\$19464.24
Stage 6	20		\$32440.40
Stage 7	18		\$29196.36
05 AREC 0002 Leisure Centre Heated Indoor Swimming Pool			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$186.12	\$372.24
Stage 1b	19		\$3536.28
Stage 2	19		\$3536.28
Stage 3	4		\$186.12
Stage 4	15		\$2791.80
Stage 5	12		\$2233.44
Stage 6	20		\$3722.40
Stage 7	18		\$3350.16
05 CFAC Southern Shoalhaven Branch Library			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$246.64	\$493.28
Stage 1b	19		\$4686.16
Stage 2	19		\$4686.16
Stage 3	11		\$246.64
Stage 4	15		\$3699.60
Stage 5	12		\$2959.68
Stage 6	20		\$4932.80

Stage 7	18		\$4439.52
05 OREC 0017 Dolphin Point			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$1933.12	\$3866.24
Stage 1b	19		\$36729.28
Stage 2	19		\$36729.28
Stage 3	4		\$1933.12
Stage 4	15		\$28966.80
Stage 5	12		\$23197.44
Stage 6	20		\$38662.40
Stage 7	18		\$34796.16
05 ROAD 0063 Dolphin Point/Burrill Lake Connector and Link Road			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$3480	\$6960
Stage 1b	19		\$66120
Stage 2	19		\$66120
Stage 3	4		\$3480
Stage 4	15		\$52200.00
Stage 5	12		\$41760
Stage 6	20		\$69600
Stage 7	18		\$62640
05 ROAD 2011 Southern Link Road			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$404.29	\$808.58
Stage 1b	19		\$7681.51
Stage 2	19		\$7681.51
Stage 3	4		\$404.29
Stage 4	15		\$6064.35
Stage 5	12		\$4851.48
Stage 6	20		\$8085.80
Stage 7	18		\$7277.22
CW AREC 0003 Hockey Facilities			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$259.91	\$519.82
Stage 1b	19		\$4938.29
Stage 2	19		\$4938.29
Stage 3	4		\$259.91
Stage 4	15		\$3898.65
Stage 5	12		\$3118.92
Stage 6	20		\$5198.20
Stage 7	18		\$4678.38
CW CFAC 0001 Stage 1: Shoalhaven City Library Extensions			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$275.27	\$550.54
Stage 1b	19		\$5230.13
Stage 2	19		\$5230.13
Stage 3	4		\$275.27
Stage 4	15		\$4129.05
Stage 5	12		\$3303.24
Stage 6	20		\$5505.40
Stage 7	18		\$4954.86
CW CFAC 0001 Stage 2: Shoalhaven City Arts Centre			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$24.90	\$49.80
Stage 1b	19		\$473.10

Stage 2	19		\$473.10
Stage 3	1		\$24.90
Stage 4	15		\$373.50
Stage 5	12		\$298.80
Stage 6	20		\$498
Stage 7	18		\$448.20
CW CFAC 0001 Stage 3: Shoalhaven Mobile Children's Services			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$8.16	\$16.32
Stage 1b	19		\$155.04
Stage 2	19		\$155.04
Stage 3	1		\$8.16
Stage 4	15		\$122.40
Stage 5	12		\$97.92
Stage 6	20		\$163.20
Stage 7	18		\$146.88
CW CFAC 0002 Shoalhaven Multi Purpose Cultural and Convention Centre			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$246.10	\$492.20
Stage 1b	19		\$4675.90
Stage 2	19		\$4675.90
Stage 3	1		\$246.10
Stage 4	15		\$3691.50
Stage 5	12		\$2953.20
Stage 6	20		\$4922
Stage 7	18		\$4429.80
CW FIRE 0001 Citywide Fire and Emergency Services			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$152.54	\$305.08
Stage 1b	19		\$2898.26
Stage 2	19		\$2898.26
Stage 3	1		\$152.54
Stage 4	15		\$2288.10
Stage 5	12		\$1830.48
Stage 6	20		\$3050.80
Stage 7	18		\$2745.72
CW FIRE 0002 Shoalhaven Fire Control Centre			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$199.71	\$399.42
Stage 1b	19		\$3794.49
Stage 2	19		\$3794.49
Stage 3	1		\$199.71
Stage 4	15		\$2995.65
Stage 5	12		\$2396.52
Stage 6	20		\$3994.20
Stage 7	18		\$3594.78
CW MGMT 2001 Section 94 Administration			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$414.42	\$828.84
Stage 1b	19		\$7873.98
Stage 2	19		\$7873.98
Stage 3	1		\$414.42
Stage 4	15		\$6216.30
Stage 5	12		\$4973.04
Stage 6	20		\$8288.40

Stage 7	18		\$7459.56
CW OREC 0001 Embellishment of Icon and District Parks and Walking Tracks			
	No. of ET	\$ per ET	Sub-Total
Stage 1a	2	\$159.61	\$319.22
Stage 1b	19		\$3032.59
Stage 2	19		\$3032.59
Stage 3	1		\$159.61
Stage 4	15		\$2394.15
Stage 5	12		\$1915.32
Stage 6	20		\$3192.20
Stage 7	18		\$2872.98
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1a		\$19225.62	
Stage 1b		\$182643.39	
Stage 2		\$182682.72	
Stage 3		\$9614.88	
Stage 4		\$144192.15	
Stage 5		\$115353.72	
Stage 6		\$192256.20	
Stage 7		\$173030.58	
TOTAL		\$1,018,957.86	

2) ~~Timing and Method of Payment~~

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

~~Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.~~

3) ~~Section 94 Plans~~

~~A copy of the Section 94 contribution plans may be inspected at Shoalhaven City Council, Bridge Road, Nowra.~~

~~E11 Section 94 Monetary Contributions~~

~~Prior to the endorsement of a Subdivision Certificate for each stage of the project, 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*:~~

~~Amount of Contributions~~

~~05 AREC 0001 Tennis, Football, Cricket and Netball~~

\$ per ET - \$1,798.12		
	No. of ET	Sub-Total
Stage 1	14	\$25,173.68
Stage 2	17	\$30,568.04
Stage 3	19	\$34,164.28
Stage 4	18	\$32,366.16
Stage 5	16	\$28,760.92
Stage 6	17	\$30,568.04
Total	\$181,610.12	
05 AREC 0002 Leisure Centre Heated Indoor Swimming Pool		
\$ per ET - \$206.33		
	No. of ET	Sub-Total
Stage 1	14	\$2,888.62
Stage 2	17	\$3,507.61
Stage 3	19	\$3,920.27
Stage 4	18	\$3,713.94
Stage 5	16	\$3,301.28
Stage 6	17	\$3,507.61
Total	\$20,839.33	
05 CFAC Southern Shoalhaven Branch Library		
\$ per ET - \$273.42		
	No. of ET	Sub-Total
Stage 1	14	\$3,827.88
Stage 2	17	\$4,648.14
Stage 3	19	\$5,194.98
Stage 4	18	\$4,921.56
Stage 5	16	\$4,374.72
Stage 6	17	\$4,648.14
Total	\$27,615.42	
05 OREC 0017 Dolphin Point		
\$ per ET - \$2,143.01		
	No. of ET	Sub-Total
Stage 1	14	\$30,002.14
Stage 2	17	\$36,431.17
Stage 3	19	\$40,717.19
Stage 4	18	\$38,574.18
Stage 5	16	\$34,288.16
Stage 6	17	\$36,431.17
Total	\$216,444.01	
05 ROAD 0063 Dolphin Point/Burrill Lake Connector and Link Road		
\$ per ET - \$3,857.82		
	No. of ET	Sub-Total
Stage 1	14	\$54,009.48
Stage 2	17	\$65,582.94
Stage 3	19	\$73,298.58
Stage 4	18	\$69,440.76
Stage 5	16	\$61,725.12
Stage 6	17	\$65,582.94
Total	\$398,639.82	
05 ROAD 2011 Southern Link Road		
\$ per ET - \$448.19		
	No. of ET	Sub-Total
Stage 1	14	\$5,274.66

Stage-2	17	\$7,619.23
Stage-3	19	\$8,515.61
Stage-4	18	\$8,067.42
Stage-5	16	\$7,171.04
Stage-6	17	\$7,619.23
Total	\$45,267.19	
CW AREC 0003 Hockey Facilities		
\$ per ET – \$288.13		
	No. of ET	Sub-Total
Stage-1	14	\$4,033.82
Stage-2	17	\$4,898.21
Stage-3	19	\$5,474.47
Stage-4	18	\$5,186.34
Stage-5	16	\$4,610.08
Stage-6	17	\$4,989.21
Total	\$29,101.13	
CW CFAC 0001 Stage-1: Shoalhaven City Library Extensions		
\$ per ET – \$305.15		
	No. of ET	Sub-Total
Stage-1	14	\$4,272.10
Stage-2	17	\$5,187.55
Stage-3	19	\$5,797.85
Stage-4	18	\$5,492.70
Stage-5	16	\$4,882.40
Stage-6	17	\$5,187.55
Total	\$30,820.15	
CW CFAC 0001 Stage-2: Shoalhaven City Arts Centre		
\$ per ET – \$27.60		
	No. of ET	Sub-Total
Stage-1	14	\$368.40
Stage-2	17	\$469.20
Stage-3	19	\$524.40
Stage-4	18	\$496.80
Stage-5	16	\$441.60
Stage-6	17	\$469.20
Total	\$2,787.60	
CW CFAC 0001 Stage-3: Shoalhaven Mobile Children's Services		
	No. of ET	Sub-Total
\$ per ET – \$9.05		
Stage-1	14	\$126.70
Stage-2	17	\$153.85
Stage-3	19	\$171.95
Stage-4	18	\$162.90
Stage-5	16	\$144.80
Stage-6	17	\$153.85
Total	\$914.05	
CW CFAC 0002 Shoalhaven Multi Purpose Cultural and Convention Centre		
\$ per ET – \$272.82		
	No. of ET	Sub-Total
Stage-1	14	\$3,819.48
Stage-2	17	\$4,637.94
Stage-3	19	\$5,183.58
Stage-4	18	\$4,910.76

Stage 5	16	\$4,365.12
Stage 6	17	\$4,637.94
Total	\$27,554.82	
CW FIRE 0001 Citywide Fire and Emergency Services		
\$ per ET – \$169.10		
	No. of ET	Sub-Total
Stage 1	14	\$2,367.40
Stage 2	17	\$2,874.70
Stage 3	19	\$3,212.90
Stage 4	18	\$3,043.80
Stage 5	16	\$2,705.60
Stage 6	17	\$2,874.70
Total	\$17,079.10	
CW FIRE 0002 Shoalhaven Fire Control Centre		
\$ per ET – \$221.39		
	No. of ET	Sub-Total
Stage 1	14	\$3,099.46
Stage 2	17	\$3,763.63
Stage 3	19	\$4,206.41
Stage 4	18	\$3,985.02
Stage 5	16	\$3,542.24
Stage 6	17	\$3,763.63
Total	\$22,360.39	
CW MGMT 2001 Section 94 Administration		
\$ per ET – \$459.41		
	No. of ET	Sub-Total
Stage 1	14	\$6,431.74
Stage 2	17	\$7,809.97
Stage 3	19	\$8,728.79
Stage 4	18	\$8,269.38
Stage 5	16	\$7,350.56
Stage 6	17	\$7,809.97
Total	\$46,400.41	
CW OREC 0001 Embellishment of Icon and District Parks and Walking Tracks		
\$ per ET – \$176.94		
	No. of ET	Sub-Total
Stage 1	14	\$2,477.16
Stage 2	17	\$3,007.98
Stage 3	19	\$3,361.86
Stage 4	18	\$3,184.92
Stage 5	16	\$2,831.04
Stage 6	17	\$3,007.98
Total	\$17,870.94	
TOTAL CONTRIBUTIONS PAYABLE		
Stage 1		\$149,190.72
Stage 2		\$181,160.16
Stage 3		\$202,473.12
Stage 4		\$191,816.64

Stage 5	\$170,503.68
Stage 6	\$181,160.16
TOTAL	\$1,076,304.48

Timing and Method of Payment

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

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at Shoalhaven City Council, Bridge Road, Nowra.

E11 Section 94 Monetary Contributions

Prior to the endorsement of a Subdivision Certificate for each stage of the project, 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*:

Amount of Contributions

05 AREC 0001 Tennis, Football, Cricket and Netball		
\$ per ET - \$1,798.12		
	No. of ET	Sub-Total
Stage 1	14	\$25,173.68
Stage 2	17	\$30,568.04
Stage 3	19	\$34,164.28
Stage 4	18	\$32,366.16
Stage 5	4620	\$28,769.92
Stage 6	17	\$30,568.04
Total	\$181,610.12	\$35,962.40
05 AREC 0002 Leisure Centre Heated Indoor Swimming Pool		
\$ per ET - \$206.33		
	No. of ET	Sub-Total
Stage 1	14	\$2,888.62
Stage 2	17	\$3,507.61
Stage 3	19	\$3,920.27
Stage 4	18	\$3,713.94
Stage 5	4620	\$3,301.28
Stage 6	17	\$3,507.61
Total	\$20,839.33	\$4,126.60
05 CFAC Southern Shoalhaven Branch Library		
\$ per ET - \$273.42		
	No. of ET	Sub-Total
Stage 1	14	\$3,827.88
Stage 2	17	\$4,648.14
Stage 3	19	\$5,194.98

Stage 4	18	\$4,921.56
Stage 5	4620	\$4,374.72\$5,468.40
Stage 6	17	\$4,648.14
Total	\$27,615.42	
05 OREC 0017 Dolphin Point		
\$ per ET - \$2,143.01		
	No. of ET	Sub-Total
Stage 1	14	\$30,002.14
Stage 2	17	\$36,431.17
Stage 3	19	\$40,717.19
Stage 4	18	\$38,574.18
Stage 5	4620	\$34,288.16\$42,860.20
Stage 6	17	\$36,431.17
Total	\$216,444.01	
05 ROAD 0063 Dolphin Point/Burrill Lake Connector and Link Road		
\$ per ET - \$3,857.82		
	No. of ET	Sub-Total
Stage 1	14	\$54,009.48
Stage 2	17	\$65,582.94
Stage 3	19	\$73,298.58
Stage 4	18	\$69,440.76
Stage 5	4620	\$61,725.12\$77,156.40
Stage 6	17	\$65,582.94
Total	\$398,639.82	
05 ROAD 2011 Southern Link Road		
\$ per ET - \$448.19		
	No. of ET	Sub-Total
Stage 1	14	\$5,274.66
Stage 2	17	\$7,619.23
Stage 3	19	\$8,515.61
Stage 4	18	\$8,067.42
Stage 5	4620	\$7,171.04\$8,963.80
Stage 6	17	\$7,619.23
Total	\$45,267.19	
CW AREC 0003 Hockey Facilities		
\$ per ET - \$288.13		
	No. of ET	Sub-Total
Stage 1	14	\$4,033.82
Stage 2	17	\$4,898.21
Stage 3	19	\$5,474.47
Stage 4	18	\$5,186.34
Stage 5	4620	\$4,610.08\$5,762.60
Stage 6	17	\$4,989.21
Total	\$29,101.13	
CW CFAC 0001 Stage 1: Shoalhaven City Library Extensions		
\$ per ET - \$305.15		
	No. of ET	Sub-Total
Stage 1	14	\$4,272.10
Stage 2	17	\$5,187.55
Stage 3	19	\$5,797.85
Stage 4	18	\$5,492.70
Stage 5	4620	\$4,882.40\$6,103.00
Stage 6	17	\$5,187.55

Total	\$30,820.15	
CW CFAC 0001 Stage 2: Shoalhaven City Arts Centre		
\$ per ET - \$27.60		
	No. of ET	Sub-Total
Stage 1	14	\$368.40
Stage 2	17	\$469.20
Stage 3	19	\$524.40
Stage 4	18	\$496.80
Stage 5	4620	\$441.60\$552.00
Stage 6	17	\$469.20
Total	\$2,787.60	
CW CFAC 0001 Stage 3: Shoalhaven Mobile Children's Services		
	No. of ET	Sub-Total
\$ per ET - \$9.05		
Stage 1	14	\$126.70
Stage 2	17	\$153.85
Stage 3	19	\$171.95
Stage 4	18	\$162.90
Stage 5	4620	\$444.80\$181.00
Stage 6	17	\$153.85
Total	\$914.05	
CW CFAC 0002 Shoalhaven Multi Purpose Cultural and Convention Centre		
\$ per ET - \$272.82		
	No. of ET	Sub-Total
Stage 1	14	\$3,819.48
Stage 2	17	\$4,637.94
Stage 3	19	\$5,183.58
Stage 4	18	\$4,910.76
Stage 5	4620	\$4,365.12\$5,456.40
Stage 6	17	\$4,637.94
Total	\$27,554.82	
CW FIRE 0001 Citywide Fire and Emergency Services		
\$ per ET - \$169.10		
	No. of ET	Sub-Total
Stage 1	14	\$2,367.40
Stage 2	17	\$2,874.70
Stage 3	19	\$3,212.90
Stage 4	18	\$3,043.80
Stage 5	4620	\$2,705.60\$3,382.00
Stage 6	17	\$2,874.70
Total	\$17,079.10	
CW FIRE 0002 Shoalhaven Fire Control Centre		
\$ per ET - \$221.39		
	No. of ET	Sub-Total
Stage 1	14	\$3,099.46
Stage 2	17	\$3,763.63
Stage 3	19	\$4,206.41
Stage 4	18	\$3,985.02
Stage 5	4620	\$3,542.24\$4,427.80
Stage 6	17	\$3,763.63
Total	\$22,360.39	
CW MGMT 2001 Section 94 Administration		

\$ per ET - \$459.41		
	No. of ET	Sub-Total
Stage 1	14	\$6,431.74
Stage 2	17	\$7,809.97
Stage 3	19	\$8,728.79
Stage 4	18	\$8,269.38
Stage 5	1620	\$7,350.56\$9,188.20
Stage 6	17	\$7,809.97
Total	\$46,400.41	
CW OREC 0001 Embellishment of Icon and District Parks and Walking Tracks		
\$ per ET - \$176.94		
	No. of ET	Sub-Total
Stage 1	14	\$2,477.16
Stage 2	17	\$3,007.98
Stage 3	19	\$3,361.86
Stage 4	18	\$3,184.92
Stage 5	1620	\$2,831.04\$3,538.80
Stage 6	17	\$3,007.98
Total	\$17,870.94	
TOTAL CONTRIBUTIONS PAYABLE		
Stage 1		\$149,190.72
Stage 2		\$181,160.16
Stage 3		\$202,473.12
Stage 4		\$191,816.64
Stage 5		\$170,503.68\$213,129.60
Stage 6		\$181,160.16
TOTAL		\$1,076,304.48\$1,118,930.40

Timing and Method of Payment

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

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at Shoalhaven City Council, Bridge Road, Nowra.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

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/developer prior to the issue of any Occupation Certificate.

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

Easements

F2 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title **for each relevant stage**.

PART G—ONGOING CONDITIONS

~~**G1 Prohibition of Cats and Dogs**~~

~~To protect native fauna in the locality, no cats or dogs (other than guide dogs for assistance of vision impaired persons) may be kept on any allotment at any time.~~

G1 Restrictions on Cats and Dogs

To protect native fauna in the locality:

- (a) no cats may be kept on any allotment at any time; and
- (b) all dogs kept on site must be kept within the confines of a residential allotment, or kept on a leash at all other times.

G2 Asset Protection Zones

At the commencement of building works and in perpetuity the property shall be managed as depicted in the approved final plan of subdivision layout. Asset Protection Zones are to be provided and maintained in accordance with Appendix 2 of *Planning for Bushfire Protection 2006*.

Construction of future dwellings shall be in accordance with Appendix 3 of *Planning for Bush Fire Protection 2006* and AS3959 – *Construction of Buildings in Bushfire Prone Areas*.

G3 Water Quality Monitoring

- 1) The water quality of water discharged from the sediment control/water quality pond is to be monitored for a period of 12 months after the release of the final Subdivision Certificate under this approval.
- 2) The water quality is to be compared with the target levels contained in Condition B17. Copies of the monitoring results are to be forwarded to Council on a quarterly basis.
- 3) Should the water quality not comply with the target levels, works are to be carried out to ensure compliance with the levels.

Details of the Water Quality Monitoring are to be submitted to the Certifying Authority as soon as they are available after testing is carried out.

ADVISORY NOTES

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

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

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

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

Requirements of Public Authorities for Connection to Services

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

Bushfire Protection Requirements

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

Compliance with Building Code of Australia

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

Structural Capability for Existing Structures

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

Use of Mobile Cranes

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

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

Stormwater drainage works or effluent systems

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

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

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

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.

Disability Discrimination Act

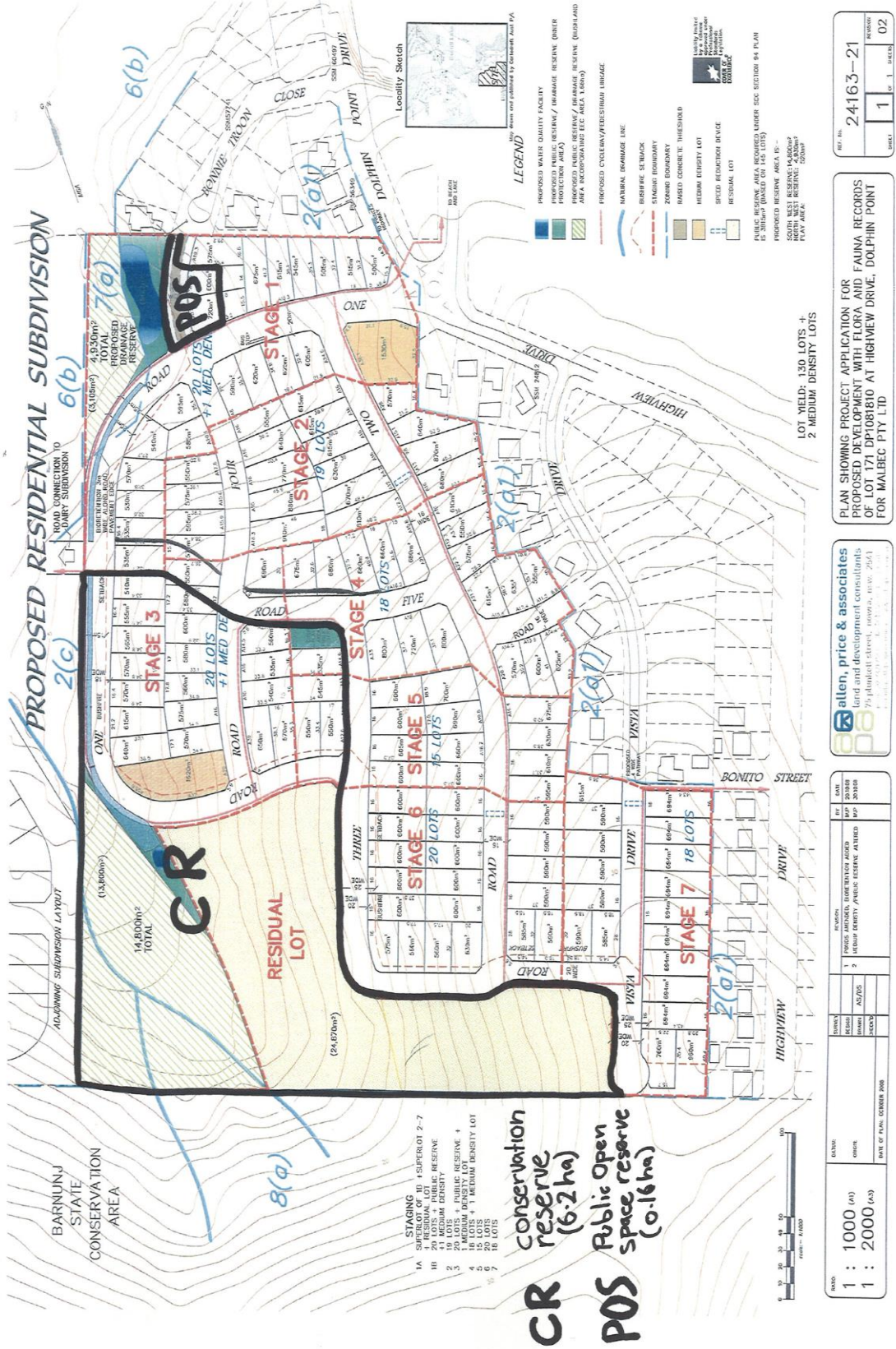
This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. 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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

APPENDIX 1



SCHEDULE 3

05_0024

104 LOT RESIDENTIAL SUBDIVISION

LOT 171 DP1081810, HIGHVIEW DRIVE, DOLPHIN POINT

STATEMENT OF COMMITMENTS

(SOURCE: ~~PREFERRED PROJECT REPORT~~ MP 05_0024 MOD 4)