

# Concept Plan Approval

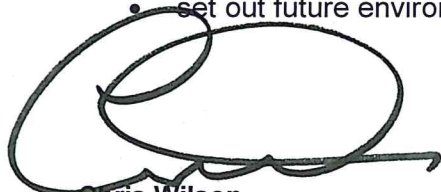
## Section 750 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) I determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2, and the proponent's Statement of Commitments in Schedule 3;
- (b) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 of the Act whichever is applicable; and
- (c) under section 75P(2)(c) of the Act, where development is subject to Part 4 or Part 5 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Part C of Schedule 2.

The modification and further assessment requirements are required to:

- encourage the orderly future development of the site;
- ensure adequate mitigation of environmental impacts of future development;
- ensure the protection of threatened species and their habitat; and
- set out future environmental management measures for the site.



Chris Wilson  
Executive Director  
Development Assessment Systems & Approvals

Sydney

25 JULY

2013

### SCHEDULE 1

**Application No.:**

10\_0103

**Proponent:**

Eric Norman Developments Pty Ltd  
Jaclesta Pty Ltd  
Machro Pty Ltd  
Shannon Pacific Pty Ltd

**Approval Authority:**

Minister for Planning and Infrastructure

**Land:**

Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, Steve Eagleton Drive, South West Rocks – Kempsey local government area

**Concept Plan:**

Residential subdivision, comprising:

- 137 residential lots;
- On-site and off-site biodiversity offsetting (biobanking);
- Active open space;
- Road network continuation of Trevor Judd Avenue;
- Road network connections to Steve Eagleton Drive and Keith Andrews Avenue; and
- Internal road network.

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## PART A – NOTES RELATING TO THE DETERMINATION OF 10\_0103

### 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.

## PART B – DEFINITIONS

In this approval,

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

**APZ** means Asset Protection Zone

**BCA** means Building Code of Australia

**Council** means Kempsey Shire Council

**DCP** means Development Control Plan

**Department** means the Department of Planning and Infrastructure, or its successors

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

**Environmental Assessment** means Environmental Assessment prepared by SJ CONELLY CPP Pty Ltd (including all appendices) titled *Concept Plan for a Proposed Residential Subdivision and BioBanking proposal, Steve Eagleton Drive, South West Rocks*, dated November 2012

**OEH** means the Office of Environment and Heritage, or its successors

**Phase 1** means the number of development lots equal to the number of biodiversity credits generated by the on-site offsets (determined in accordance with Term B1 of this approval)

**Phase 2** means the number of development lots equal to the number of biodiversity credits generated by the off-site offsets (determined in accordance with Term B1 of this approval)

**Project** means the project as described in Term A1 to this approval

**Preferred Project Report** means the Preferred Project Report prepared by Planners North (including all appendices) titled *A report with respect to submissions to the exhibition of the Environmental Assessment & a Preferred Project Report with updated Statement of Commitments* prepared by Planners North, dated May 2013

**Proponent** means Eric Norman Developments Pty Ltd, Jaclesta Pty Ltd, Machro Pty Ltd, Shannon Pacific Pty Ltd, or any party acting upon this approval

**RFS** means the NSW Rural Fire Service, or its successors

**RMS** means Roads and Maritime Services, or its successors

**Site** has the same meaning as the land identified in Schedule 1

**WSUD** means Water Sensitive Urban Design

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## SCHEDULE 2

### PART A – TERMS OF APPROVAL

#### A1 Concept Plan Description

Concept plan approval is granted for the site generally as described below:

- a) Residential subdivision incorporating approximately 137 low density residential lots;
- b) On-site and off-site biodiversity offsetting (biobanking);
- c) Public open space;
- d) Continuation of Trevor Judd Avenue; and
- e) New road network connections to Steve Eagleton Drive and Keith Andrews Avenue.

As modified by the modifications described in Part B of Schedule 2 of this approval.

#### A2 Project in Accordance with Plans

The proponent shall carry out the concept plan and any related future development application(s) generally in accordance with the following plans:

Concept Plan Drawings prepared by RPS	
Drawing No.	Name of Plan
102457-18A	Plan 11.1 Preferred Project 137 Lots
102457-20	102457-20 APZ Proposed
102457-18A	Plan 11.2 Pedestrian Path System

except for:

- 1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- 2) otherwise provided by the terms of this approval.

#### A3 Project in Accordance with Documentation

The proponent shall carry out the concept plan and all related future applications generally in accordance with the following documents:

- 1) **Environmental Assessment** prepared by SJ Connelly CPP Pty Ltd, titled *Concept Plan for a Proposed Residential Subdivision and BioBanking proposal, Steve Eagleton Drive, South West Rocks*, dated November 2012; and
- 2) **Preferred Project Report** prepared by Planners North, titled *A report with respect to submissions to the exhibition of the Environmental Assessment & a Preferred Project Report with updated Statement of Commitments*, dated May 2013.

#### A4 Consistency of Future Development

- 1) In the event of any inconsistency between:
  - a) the modifications of this approval and the drawings/documents referred to in terms A2 and A3, the modifications of this approval shall prevail to the extent of the inconsistency;

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- b) any drawing/document listed in terms A2 and A3 and any other drawing/document listed in terms A2 and A3, the most recent document/drawing shall prevail to the extent of the inconsistency; and
  - c) the modifications of this approval and the Statement of Commitments (at Schedule 3), the modifications of this approval prevail to the extent of the inconsistency.
- 2) If there is any inconsistency between this concept plan approval and any future application, this concept plan approval shall prevail to the extent of the inconsistency.

#### **A5 Limits of Approval**

- 1) This concept plan approval shall lapse five (5) years after the date of this concept plan approval, unless works the subject of any related application are physically commenced, on or before the lapse date.
- 2) To avoid any doubt, this approval does not permit the construction of any component of the concept plan (including any clearing of vegetation), which will be subject to separate approval(s).
- 3) Notwithstanding anything else in this concept plan approval and in accordance with section 75O(5) of the Act, final concept plan approval is given for each of Phase 1 and Phase 2 only when the Director-General is satisfied of the following:
  - a) The Office of Environment and Heritage (OEH) have reviewed, and indicated support in writing for the re-calculated biodiversity credits required under Term B1;
  - b) for Phase 1, satisfactory arrangements have been made for the securing of the on-site offsets; and
  - c) for Phase 2, satisfactory arrangements have been made for the securing of the off-site offsets.

Note: A development application for each phase of the development cannot be lodged until final concept plan approval is given for the relevant phase in accordance with this term.

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## **PART B – MODIFICATIONS TO THE CONCEPT PLAN**

### **B1 BioBanking Calculations**

Re-calculation of biodiversity credits is required. The proponent is to consult with OEH regarding the re-calculation and finalisation of biodiversity credits. Re-calculation of biodiversity credits is required to be undertaken in accordance with the following:

- 1) the overstorey vegetation condition after development should be 'no overstorey' (this function is under the landscape tab);
- 2) within the geographic/habitat feature tab, the Common Planigale is to be selected;
- 3) plot data is required to be revised, including the conversion of all plot data to percentages;
- 4) Asset Protection Zones (APZs) must be included as part of the development infrastructure, to be calculated in accordance with Appendix 4 of the BioBanking Assessment Methodology and Credit Calculator Operational Manual; and
- 5) the dedicated area around Aboriginal heritage item 'RPS SWR 1' between Lots 127 and 128 must be included as part of the development infrastructure.

Having regard to the re-calculated biodiversity credits required under clauses (1) to (5) above, the proponent is to provide a plan that shows:

- 6) the lots capable of being developed based on the number of biodiversity credits generated by the on-site offsets (Phase 1); and
- 7) the lots capable of being developed based on the number of biodiversity credits generated by the off-site offsets (Phase 2).

The plan is to be submitted for the Director-General's approval prior to the lodgement of any development application(s).

### **B2 Bushfire Management**

Lots 3, 4, 75, 76, 106, 120, 121, and 137 are not approved. Consolidation of these lots or reconfiguration of the subdivision layout is required to ensure all lots are capable of containing a dwelling outside of the identified APZs, as identified on the APZ plan(s) required under Term C4.

### **B3 Public Open Space**

Lot 900 (public open space lot) is not approved. A revised subdivision plan is to be provided with the first development application lodged which identifies an appropriate location for the provision of public open space to service the future population of the site. Public open space is required to:

- 1) be provided in a centrally-located area and contained wholly within the development footprint proposed as part of the PPR; and
- 2) be designed consistent with the requirements of council's Location Criteria – South West Rocks Open Space Strategy.

The proponent is required to consult with council regarding the specific size and location of public open space required.

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## **PART C – REQUIREMENTS FOR FUTURE APPLICATIONS**

Pursuant to sections 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future development of the site to be assessed under Part 4 or 5, as relevant, of the Act:

### **C1 Crown Road Reserve**

As part of any development application involving the Crown road reserve which intersects Keith Andrews Avenue to the north and is bound by Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, the proponent is required to provide evidence of lodgment of an application with NSW Trade & Investment (Crown Lands) to purchase the land.

Note: written consent from NSW Trade & Investment (Crown Lands) is required prior to the commencement of any physical works upon the Crown road reserve.

### **C2 Bushfire Management**

All future development application(s) must include a detailed Bushfire Hazard Assessment prepared by a suitably qualified person, and in consultation with the RFS. Any future development of the site must have consideration for, and be designed in accordance with:

- 1) Planning for Bushfire Protection 2006 (RFS); and
- 2) the recommendations provided in the updated Bushfire Hazard Assessment prepared by Barry Eadie Consulting Pty Ltd, dated 6 May 2013 and submitted as Appendix C of the PPR.

### **C3 Bushfire Management – Lots 120 to 137**

In addition to requirements of Term C2, any development application(s) involving the creation of Lots 120 to 137 inclusive must also include the following as part of the Bushfire Hazard Assessment:

- 1) a land survey report prepared by a suitably qualified person and in consultation with the RFS, that determines the effective slope of the land under the bushfire hazard for a distance of 100m from the lots;
- 2) having regard for the surveyed effective slope required under Term C3(1), a site subdivision plan is to be prepared that identifies the required APZ from the bush fire hazard to achieve a BAL 29 maximum construction standard, as per AS3959–2009: Construction of buildings in bushfire-prone areas;
- 3) details of a required 15m wide fire trail buffer between the rear boundaries of the subject lots and adjoining vegetation;
- 4) information regarding any proposed dedication of land within the 15m wide fire trail, and how this land is to be managed over the long term; and
- 5) any proposed management measures for vegetation contained within part Lot 800.

### **C4 Bushfire Management – Asset Protection Zones**

All future development application(s) must include details (including drawings/plans) outlining the location of APZs, in accordance with the recommendations under Section 4.4 of the updated Bushfire Hazard Assessment prepared by Barry Eadie Consulting Pty Ltd, dated 6 May 2013 and submitted as Appendix C of the PPR. All APZs must be clearly identified and all affected lots are to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.

Note: The construction of dwellings within APZs is not permitted.

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## **C5 Traffic Generation**

As part of any future development application(s) lodged, a detailed traffic assessment prepared by a suitably qualified traffic engineer and in consultation with RMS and council must be submitted. The traffic assessment is required to:

- 1) consider the impacts of traffic generated by the site on the intersection of Trevor Judd Avenue with Steve Eagleton Drive, including cumulative impacts on the functioning of the Steve Eagleton Drive, Gregory Street, and Belle O'Connor Street roundabout; and
- 2) be prepared in accordance with the RMS' Guide to Traffic Generating Developments.

In addition to the requirements of Terms C5(1) and C5(2), any development application that proposes to establish a road network connection to Keith Andrews Avenue is required to:

- 3) investigate the level of impact likely to occur at the intersection of Gregory Street with Frank Cooper Street having regard to the warrants provided under section 4.8 of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections; and
- 4) provide analysis and consideration of the implications of Bruce Field Street potentially becoming a rat-run for future traffic accessing Gregory Street via Frank Cooper Street.

## **C6 Access Arrangements**

For any future development application(s) involving the creation Lots 46 to 61 inclusive, the proponent is to demonstrate the following Restrictions as to Users under Section 88B of the *Conveyancing Act 1919* can be applied:

- 1) Restriction as to User burdening Lots 46 to 50 inclusive: prohibiting direct vehicle access to Gregory Street.
- 2) Restriction as to User burdening Lot 51: prohibiting direct vehicle access to Gregory Street and Keith Andrews Avenue.
- 3) Restriction as to User burdening Lots 52 to 61 inclusive: prohibiting direct vehicle access to Keith Andrews Avenue.

## **C7 Road Traffic Noise**

The proponent is to investigate potential road traffic noise attenuation measures as part of any future development application(s) involving lots that directly adjoin Gregory Street.

- 1) Noise attenuation measures may be in the form of building restrictions placed on future dwellings (double glazing, insulation, etc) or via the erection of a suitable designed noise barrier constructed wholly within the site boundary, to be designed in consultation with council.
- 2) Any future dwellings proposed on Lots 46 to 54 inclusive are restricted to single-storey construction, to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.

## **C8 Stormwater Management**

All future development application(s) must include a detailed Stormwater Management Plan, prepared by a suitably qualified person and in consultation with council and the NSW Office of Water. The Plan is to be prepared having regard to Section 4.2 of the Civil Engineering Report prepared by Hopkins Consultants, dated August 2012 and submitted as Appendix D of the EA, and Council's DCP 36 – Guidelines for Engineering and Subdivision. The Plan is required to include the following:



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- 1) proposed measures based on Water Sensitive Urban Design (WSUD) principles to address any foreseeable or potential impacts on the site and surrounding environment, including consideration of potential stormwater run-off discharging to Spencers Creek, Back Creek, and/or Saltwater Creek and Lagoon;
  - 2) outline drainage and water quality control measures for the site;
  - 3) outline erosion and sediment control measures during both construction and occupation stages;
  - 4) a detailed design layout plan(s) for the preferred stormwater treatment train showing the location, size and key functional elements of each part of the system.
  - 5) MUSIC modelling must be undertaken to demonstrate that appropriate water quality objectives can be achieved with the quality of post-development stormwater flows to not exceed the quality of pre-development flows. Details of the MUSIC modelling must be included as part of the Plan; and
  - 6) any provisions for ongoing water quality monitoring and/or implementation of relevant management plans.

## **C9 Earthworks**

On-site earthworks and vegetation clearing is limited to the staging of the subdivision, and may only occur in sequence with approval for the creation of residential lots.

## **C10 Vegetation Clearing and Fauna Protection Measures**

Any future development application(s) must include a Vegetation Management and Fauna Protection Plan, prepared by a suitable qualified ecologist. The Plan is required to detail measures to manage vegetation clearing and protect of native fauna during construction of the development. The following measures are to be included as part of the Plan:

- 1) a suitably qualified ecological consultant must to be present on site during any vegetation clearing works who is required to monitor works in sensitive areas, offer advice during the clearance process, and be present to supervise recovery procedures in the event of accidental harm to wildlife;
- 2) trees should be retained within the development footprint wherever possible;
- 3) tree felling is to be supervised by a qualified fauna specialist appropriately licenced under the *NSW National Parks and Wildlife Act 1974* for the purpose of rescuing and relocating displaced native fauna species;
- 4) a search for the presence of native fauna species, carried out by a suitably qualified ecologist is required prior to the commencement of any tree felling or vegetation removal;
- 5) non-hollow bearing trees are to be felled first. At least 24 hours is required between clearing of non-hollow bearing trees and hollow-bearing trees to allow any fauna species present time to vacate and relocate; and
- 6) all tree hollows are to be salvaged and re-used by means of permanent attachment, at an appropriate height, to suitable trees within land that forms part of the on-site biodiversity offsetting area.

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## **C11 Geotechnical Assessments**

In order to ensure the stability of development lots, all future development application(s) must include a detailed geotechnical assessment, prepared by a suitably qualified person. The assessment is required to include the following:

- 1) a geotechnical map of the site clearing showing ground surface contours, geotechnical engineering soil types and any geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. The map should be occupied by explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably qualified geotechnical practitioner; and
- 2) a synthesis site plan clearing showing ground surface contours and the location of all test pits, boreholes and monitoring wells drilled on to the site to date.

## **C12 Aboriginal Cultural Heritage Item**

As part of the first development application lodged, an Aboriginal Cultural Heritage Management Plan must be prepared for the Aboriginal heritage site referred to as 'RPS SWR 1' in the Cultural Heritage Assessment prepared by RPS, dated August 2012 and included as Appendix F of the EA. The Plan is required to:

- 1) be prepared by a suitably qualified person and in consultation with the OEH;
- 2) incorporate the recommendations provided within the Cultural Heritage Assessment prepared by RPS, including details of the recommended 10m by 10m sectioned off area to be established around RPS SWR 1; and
- 3) outline any proposed management actions for land within the sectioned off area required to be established around RPS SWR 1.

## **C13 Public Open Space**

As part of the first development application lodged, the proponent is required to:

- 1) provide a plan identifying the location of public open space, in accordance with Term B2; and
- 2) ensure all public open space is provided with appropriate connections to pedestrian and cyclist's networks.

## **C14 Street Tree Plantings**

All future development application(s) must include a Landscaping Plan, prepared by a suitably qualified person detailing proposed street-tree plantings. Any species nominated must be predominantly local native flora and include trees, shrubs and groundcovers.

## **C15 Reticulated Services**

All future development application(s) are to demonstrate that each residential lot will be provided with reticulated water supply, sewerage, telecommunications, and underground electricity. An Infrastructure Servicing Strategy, prepared in consultation with council, must be submitted as part of any future development application(s) lodged.

## **C16 Affordable Housing**

All future development application(s) must investigate the potential for affordable housing to be incorporated as part of the development.

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## **SCHEDULE 3**

**10\_0103**

**SETTLERS RIDGE RESIDENTIAL SUBDIVISION  
STEVE EAGLETON DRIVE, SOUTH WEST ROCKS  
STATEMENT OF COMMITMENTS**

**11.2 UPDATED STATEMENT OF COMMITMENTS**

The Updated Statement of Commitments as relevant to the Project is contained in **Table 11.2** that follows. The updated Statement of Commitments reflect the various specialist investigations into the project application and subdivision design, and incorporate recommendations made by Government Authorities.

Table 11.2 Updated Statement of Commitments

ITEM		COMMITMENT	ACTION	TIMING
<b>General</b>	<b>1</b>	The proponent will undertake the development in accordance with <del>Plan 3.1 in the Environmental Assessment.</del> <a href="#">Plan 11.1 in the Preferred Project Report.</a>	Proponent	All stages
<b>Statutory Requirements</b>	<b>2</b>	<p>All licences, permits and approvals as necessary will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> <li>Construction Certificates for engineering works (including earthworks, soil and water management, roadworks and drainage) for each stage of the subdivision;</li> <li>Subdivision Certificates for each stage of the subdivision;</li> <li>Section 138 Consent for roadworks (Roads Act 1993);</li> <li>Section 68 approvals for utilities infrastructure (Local Government Act 1993);</li> <li>Electricity Compliance certificate from Origin/Energy;</li> <li>Telstra, National Broadband Network Compliance Certificates; <del>and</del></li> <li>Water Compliance Certificate from Macleay Water under Section 307 of the Water Management Act 2000;</li> <li><a href="#">Bushfire Authority under Section 100B of the Rural Fires Act 1997; and</a></li> <li><a href="#">The relevant licences under the Water Act 1912 and Water Management Act 2000 (if required).</a></li> </ul>	Proponent	Stage 1 & ongoing
<b>Infrastructure Provision</b>	<b>3</b>	<p>The following infrastructure is to be provided for all lots in the subdivision:</p> <ul style="list-style-type: none"> <li>Electricity reticulation to each residential lot to the satisfaction of Origin/Energy;</li> <li>Reticulated potable water supply to each residential lot to Council's satisfaction;</li> <li>Telecommunication services to each residential lot to the satisfaction of Telstra and the National Broadband Network.</li> </ul> <p>Staging and timing of infrastructure provision is to be established in the final Development</p>	Proponent	All Stages

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		Contract to be approved by Kempsey Shire Council.		
	<b>4</b>	The design and construction of the internal roads; provision of water, electricity, and gas services and APZ's are to comply with Planning for Bushfire Protection, 2006.	Proponent	All Stages
	<b>4.1</b>	With any Development Application the proponent shall lodge an intersection analysis for the Frank Cooper and Gregory Streets intersection.	Proponent	All Stages
<b>Water Management</b>	<b>5</b>	Water quality control measures will be designed and installed in accordance with the principles of the Surface and Storm Water Management Plan described in <b>Technical Paper D</b> . Detailed designs for these works are to be provided with the Construction Certificate relevant to each stage.	Proponent	All Stages
<b>Heritage and Archaeology</b>	<b>6</b>	The site RPS SWR 1, being the "scarred tree" located during the archaeological survey undertaken by RPS Consulting is to be afforded protection with a cordoned off area of 10 metres X 10 metres established around it. Details are to be provided with the Construction Certificate for Stage 1. before any development of Lot 57 DP 1117398.	Proponent	Stage 1
	<b>7</b>	All relevant construction staff are to be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction.	Proponent	All Stages
	<b>8</b>	The location of RPS SWR 1 shall be included in all environmental management plans for the development area, so that all staff are aware that these areas will require management.	Proponent	All Stages
	<b>9</b>	If further Aboriginal site(s) are identified in the study area, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.	Proponent	All Stages
	<b>10</b>	If skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent must contact the DECCW Enviroline 131 555, a suitably qualified archaeologist and representatives of the local Aboriginal Community Stakeholders to determine an action plan for the management of the skeletal remains, formulate management	Proponent	All Stages

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		recommendations and to ascertain when work can recommence.		
	<b>11</b>	If during the course of clearing work, significant European cultural heritage material is uncovered, work should cease in that vicinity immediately. A significance assessment by a suitably qualified archaeologist adhering to the NSW Heritage Branch Significance Criteria should be carried out and the NSW Heritage Branch should be notified if significant historical items are identified. Works should only recommence when an appropriate and approved management strategy is instigated.	Proponent	All Stages
	<b>11.1</b>	The proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.	Proponent	Stage 1 & Ongoing
	<b>12</b>	Prior to any work commencing on the site credits shall be acquitted in the amount and type specified in the BioBanking Credit Report.	Proponent	Stage 1 & Ongoing
<b>Biodiversity</b>	<b>13</b>	<p>The proponents are to prepare a comprehensive Vegetation Management Plan for all areas of existing vegetation to be retained within the site. Such plan is to include provision for the following management measures:</p> <ul style="list-style-type: none"> <li>▪ Species-appropriate weed control responses formulated and implemented</li> <li>▪ Formal protection of existing bushland</li> <li>▪ Hollow-bearing trees identified and protected by tree protection zones</li> <li>▪ Feral animal control</li> <li>▪ Provision of fauna-friendly fencing</li> <li>▪ Implementation of strict sediment and erosion control plan during all activities where soil is exposed</li> <li>▪ Control program in conjunction with local Catchment Management Authority</li> <li>▪ Determination of appropriate fire regime for each vegetation type</li> <li>▪ Provision of formal paths to minimise trampling of understorey vegetation</li> <li>▪ No point source delivery of stormwater runoff – use of water sensitive urban design principles such as diffuse water delivery</li> <li>▪ Monitor all actions on regular basis and report to Council</li> </ul> <p>The Vegetation Management Plan is to be submitted to Kempsey Shire Council for approval prior to registration of <del>Stage 1</del>. a plan of</p>	Proponent	Stage 1 & Ongoing

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		subdivision in involving Lot 31 DP 754396 or Lot 57 DP 1117398.		
	<b>14</b>	Plant species used in landscaping of the development area will be of locally-native species.	Proponent	All Stages
<b>Noise Impacts</b>	<b>15</b>	Provide a 2.5 m high acoustic barrier to the boundaries of Lots 1 to 8 as shown in the acoustic assessment prepared by Hunter Acoustics. Details are to be included in the application for a Construction Certificate for <del>Stage 1</del> . Lot 223 DP754396 or other mitigation as specified by a Council condition of Development Consent.	Proponent	Stage 1
	<b>16</b>	A Construction Noise and Vibration Management Plan that specifies approach distances to residences before action must be taken is to be developed prior to the commencement of construction works. The plan is to be developed in accordance with BS 7385 and the relevant DECCW guidelines and as a minimum will contain the following: a) Limits for Noise and Vibration at affected residences in accordance with the Construction Noise Guide and BS7385; b) A list of machinery to be used for construction; c) Approach distances, "Buffer Zone" for each machine type that will trigger relevant management action for that activity; d) Specific management actions that should be taken for relevant activities inside the "Buffer Zone"; e) Identify the individual responsible for actioning the Management Plan and addressing any complaints; and f) Procedures for receiving, managing and resolving complaints.	Proponent	Stage 1 & ongoing
<b>Construction</b>	<b>17</b>	Prior to the commencement of works on the site, the proponent will submit to Council a Construction Management Plan. The Plan is to address the following: <ul style="list-style-type: none"> <li>• a detailed work program outlining relevant timeframes for activities;</li> <li>• roles and responsibilities for all relevant site workers and employees involved in the construction phase;</li> <li>• waste and debris management measures to be employed during the construction phase;</li> <li>• erosion and sediment control measures during construction;</li> <li>• details of environmental management procedures, monitoring and reporting</li> </ul>	Proponent	All Stages

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		<p>requirements during construction and operation phase;</p> <ul style="list-style-type: none"> <li>• traffic management procedures; and</li> <li>• details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders.</li> </ul>		
	<b>18</b>	Construction work will be confined to 7.00 am to 6.00 pm Monday to Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.	Proponent	All Stages
<b>Developer Contributions</b>	<b>19</b>	<p>Section 94 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> <li>▪ Roads</li> <li>▪ Open Space</li> <li>▪ Community Services</li> <li>▪ Bushfire</li> <li>▪ Administration Levy</li> </ul>	Proponent	All Stages
	<b>20</b>	<p>Section 64 developer contributions will be paid to Macleay Water, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> <li>▪ Water supply</li> <li>▪ Sewer services</li> </ul> <p>Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.</p>	Proponent	All Stages
Design Controls	<b>21</b>	Creation of a title restriction on proposed lots 46 – 61 inclusive preventing vehicular access to either Gregory St, or Keith Andrews Ave, with Council being the beneficiary.	Proponent	All Stages