

Concept Approval

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

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979*, determine:

- a) pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for subsequent project or development applications associated with the concept plan as set out in Schedule 2; and
- c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future development shall be subject to Part 4 (or Part 5) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Kristina Keneally MP
Minister for Planning

Sydney

2 Oct

2008

SCHEDULE 1

Application No:	05_0199
Proponent:	Marsim (trading as Nature Coast Pty Ltd)
Approval Authority:	Minister for Planning
Land:	Bevan Road, Rosedale comprising Lots 11, 29, part 32, 72, 102, 118, 119 and part 213 in DP 755902; Lot 2 DP 627034 and Lot 2 DP 623340
Local Government Authority:	Eurobodalla Shire Council
Project:	Community title subdivision for residential development and ancillary commercial and community facilities, comprising six (6) Ecological Protection lots, one (1) Community lot and thirteen (13) Neighbourhood Precincts (which will yield a total of 792 residential lots).
Estimated Cost of Works:	\$41.5 million
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Concept Plan	Concept plan for a proposed residential subdivision at Rosedale, depicted generally on Dwg No. CA-003-K prepared by Roberts Day and described in the Environmental Assessment in support of the Concept Plan application for the proposal, prepared by kass + hermes on behalf of Marsim (trading as Nature Coast Pty Ltd), dated February 2008, and the Preferred Project Report dated July 2008
Council	Eurobodalla Shire Council
DA	Development Application
Day	7:00 – 18:00
DECC	Department of Conservation and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
Evening	18:00 – 22:00
HWM	High water mark
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
MP 05-0199	Major Project described in the Proponent's Environmental Assessment.
Night	22:00 – 7:00

Proponent	Marsim (trading as Nature Coast Pty Ltd) or any party acting upon this approval.
RFS	Rural Fire Service
RTA	Roads and Traffic Authority
Site	Land to which application applies (see Schedule 1)
Statement of Commitments	Statement of Commitments provided in Schedule 4
VMP	Vegetation Management Plan
WP	Works Plan

NOTES

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant. The Proponent has the right to appeal to the Land and Environment Court of NSW in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

SCHEDULE 2

TERMS OF APPROVAL AND REQUIREMENTS FOR FUTURE APPLICATIONS

BEVIAN ROAD, ROSEDALE - MAJOR PROJECT NO. 05_0199

PART A —TERMS OF CONCEPT APPROVAL

A1 *Development Description*

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment Report titled "**Bevian Road Concept Application**" prepared by Kass-Hermes Urban Planning + Development (dated November 2007), including:

- (1) Extent of environmental constraints
- (2) Extent of developable area
- (3) Subdivision of the site for residential development and ancillary commercial and community facilities, under the Community Land Development Act 1989, into six (6) Ecological Protection Lots; one (1) Community Lot and thirteen (13) Neighbourhood Precinct Lots (which will yield a maximum of 792 residential allotments)
- (4) Concept Road Hierarchy Plan & Sections
- (5) Landscape Concept Plan

A2 *Development in Accordance with Documentation*

- (1) The following documentation (including any appendices therein) is approved as part of the Concept Plan:
 - a. **Environmental Assessment Report Bevian Road Concept Plan (Volumes 1, 2, 3 and 4)**, prepared by Kass-Hermes Urban Planning + Development on behalf of Marsim (trading as Nature Coast Pty Ltd) and dated November 2007;
- (2) The following Preferred Project Report including a revised Statement of Commitments and any appendices therein is approved:
 - a. **Preferred Project Report and revised Statement of Commitments**, prepared by Kass-Hermes Urban Planning + Development on behalf of Marsim (trading as Nature Coast Pty Ltd) and dated 10 July 2008 and 8 August 2008 respectively;
- (3) The additional documents listed below:
 - a. **Flora and Fauna Assessment** prepared by Conacher Travers Environmental Consultants, dated September 2007.
 - b. **Ecological Assessment**, prepared by Conacher Travers Environmental Consultants, dated February 2008; the **Addendum to the Ecological Review** prepared by Travers Environmental, dated 8 July 2008; and the **Ecological Assessment of Main Southern Access Road Options** prepared by Travers Environmental, dated 23 June 2008.

- c. **Conservation and Land Use Management Plan**, prepared by Conacher Travers Environmental Consultants, dated September 2007.
 - d. **Ecological Site Management Plan**, prepared by Conacher Travers Environmental Consultants, dated September 2007.
 - e. **Bushfire Protection Assessment**, prepared by Conacher Travers Environmental Consultants, dated September 2007; and **amendments** as detailed in correspondence and Schedule 1 – Bushfire Protection Measures prepared by Travers Environmental, dated 4 August 2008.
 - f. **Fuel Management Plan** prepared by Conacher Travers Environmental Consultants, dated September 2007.
 - g. **Water Management Report** prepared by Patterson Britton & Partners, dated November 2007.
 - h. **Services and Infrastructure Report** prepared by Patterson Britton & Partners Pty Limited, dated November 2007.
 - i. **Flood Impact Assessment**, prepared by Patterson Britton & Partners Pty Limited, dated July 2007.
 - j. **Cultural Heritage Assessment**, prepared by Navin Officer Heritage Consultants Pty Limited, dated November 2007; **Addendum to Cultural Heritage Assessment** prepared by Navin Officer Heritage Consultants, dated 25 June 2008; and **Proposed Alternative Southern Access Road Aboriginal Archaeological Assessment** prepared by Navin Officer Heritage Consultants Pty Limited, dated August 2008.
 - k. **Traffic Noise and Construction Noise Assessment**, prepared by Heggies Australia, dated 15 August 2007.
 - l. **Preliminary Contamination Assessment**, prepared by Douglas Partners Pty Limited, dated October 2007.
 - m. **Soil & Contamination Report – Identification and Extent of Acid Sulphate Soils**, prepared by JCL Development Solutions, dated July 2007.
 - n. **Transport Impact Study**, prepared by Colston Budd Hunt and Kafes Pty Limited, dated August 2007; **Addendum** which reviews proposed modified access arrangements, also prepared by Colston Budd Hunt and Kafes Pty Limited, dated 3 July 2008.
- (4) In the event of any inconsistencies, the Preferred Project Report and revised Statement of Commitments dated 8 August 2008 in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1) and (3).

A3 *Development in Accordance with Plans*

(1) The development will be undertaken in accordance with the following plans:

Architectural (or Design) Drawings prepared by <i>Roberts Day and Candelapas Associates</i>			
Drawing No.	Name of Plan	Revision	Date
CA-001	Bevian Road – Concept Application Constraints Map	J	08/07/08
CA-002	Bevian Road – Concept Application Developable Area Diagram	J	08/07/08
CA-003	Bevian Road – Concept Application Concept Subdivision Plan	K	08/07/08
CA-004	Bevian Road – Concept Application Concept Road Hierarchy and Sections	I	08/07/08
CA-005	Bevian Road – Concept Application Landscape Concept Plan	G	08/07/08

A4 *Consistency of Future Development*

The Proponent shall ensure that all development is carried out generally in accordance with the:

- (a) Concept Plan;
- (b) Statement of Commitments; and
- (c) this approval.

A5 *Lapsing of Approval*

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this concept plan within 5 years of the date of this approval.

A6 *Limits on Approval*

This approval does not allow any components of the Concept Plan to be carried out without further approval or consent being obtained.

A7 *Determination of Future Applications*

The determination of future Development Applications by Council is to be generally consistent with the terms of approval of Concept Plan MP 05_0199 as described in Part A of Schedule 2 and subject to the conditions of approval and the requirements for future applications set out in Parts A and B of Schedule 2.

PART B — FUTURE APPLICATIONS

Future development applications and Construction Certificates for subdivision and where relevant, the construction of infrastructure, built form and associated works shall comply with the requirements set out below.

B1 Traffic and Access

Crown Roads

- (1) Where Crown Roads are involved in the development and are to be amalgamated into the freehold lands, ownership of these lands may only be obtained by way of lodgement of a road closing application with the Department of Lands by the applicant (Proponent) in the first instance.

Southern Access Road

- (1) The proposed southern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.
- (2) Planting of a suitable landscape screen to the Sewerage Treatment Plant using flora species known to occur in the Bangalay Sand Forest Endangered Ecological Community (EEC) should occur on each side of the proposed access road to provide a formal entry to the site. In areas where the road passes through Swamp Sclerophyll Forest EEC and River Flat Eucalypt Forest EEC flora species from these communities should be used in the roadside planting treatment.

Existing Southern Access Road

- (3) Access to the development from the existing southern access road off George Bass Drive (running along the western side of the Bevia Wetland) shall be closed off to vehicular traffic once the new southern access road (to the east of the Bevia Wetland) is constructed. Suitable treatment and potential rehabilitation of the existing road access shall be undertaken to the satisfaction of Council.

Northern Access Road

- (4) The proposed northern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.

B2 Deferred Area

No development in concept is approved in the "Deferred Area" as shown on Drawing No. CA-003-K prepared by Roberts Day and Candelapas Associates dated 8 July 2008. If this area is to be developed in the future, a development application must demonstrate to the satisfaction of Council and the Department of Environment and Climate Change that any future development can satisfy the relevant odour and noise management criteria for the proposed use located in the vicinity of a sewerage treatment plant.

B3 Remediation of Land

- (1) Consistent with the recommendations contained in the *Preliminary Contamination Assessment* prepared by Douglas Partners, dated October 2007, future development applications which include land identified as an 'Area of Environmental Concern', shall, where necessary, be accompanied by more detailed investigations as to the extent and nature of contamination. This may include a Remedial Action Plan and a Hazardous Materials Survey. Any Remedial Action Plan that is required must be accompanied by a statement from a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements.
- (2) Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- (3) The requirements of SEPP 55 and relevant Guidelines will apply to the abovementioned plans and works.

B4 Urban Design Guidelines

Prior to issue of a development consent related to the concept approval, site-specific development standards or urban design guidelines shall be prepared and be submitted to and approved by Council for integration into a development control plan.

The development standards should relate to items such as built form, the public domain, infrastructure, streetscape. Where possible, the development standards should also incorporate principles to encourage building design options that can be adapted to various stages of life and consideration of lower cost accommodation.

B5 Bushfire Protection

Asset Protection Zone (APZ)

- (1) All Asset Protection Zones (APZs) illustrated on Schedule 1 Bushfire Protection Measures included in the Ecological Site Management Plan prepared by Conacher Travers Environmental Consultants dated September 2007 must be shown on subdivision applications, together with the necessary report consistent with NSW Rural Fire Service (RFS) Guidelines.
- (2) At the issue of subdivision certificate and in perpetuity, APZs shall be provided as detailed within the Bushfire Protection Assessment, including Schedule 1, dated September 2007 as prepared by Conacher Travers and as modified by plan entitled Schedule 1 – Bushfire Protection Measures, Bevan Rd, Rosedale prepared by Travers Environmental dated 4 August 2008.

APZs associated with the development must comply with the guidelines contained within *Planning for Bush Fire Protection 2006* and the Service's document *Standards for Asset Protection Zones*.

- (3) A restriction as to user pursuant to section 88B of the *Conveyancing Act 1919* shall be placed on all lots within the subdivision requiring the provision of APZs as identified within the documentation and plans specified in Conditions A2 and A3

above in accordance with *Planning for Bush Fire Protection* 2006 and the Service's document *Standards for Asset Protection Zones*.

- (4) Management of APZs throughout the subject site shall be implemented in perpetuity and shall be in accordance with the Fuel Management Plan, including Schedules 1 and 2, dated September 2007 as prepared by Conacher Travers.
- (5) For APZs on slopes greater than 18 degrees, the property shall be landscaped or managed (ie. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council with the relevant DA for subdivision and / or built form and prior to issue of any Construction Certificate for subdivision works and / or dwellings.

Roads

- (5) Public Road Access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection* 2006. In this regard the following design standards for public roads are to be incorporated into the development:
 - (a) road(s) shall be two-wheel drive, all weather roads;
 - (b) urban perimeter roads are two-way, with a carriageway 8 metres minimum kerb to kerb;
 - (c) the perimeter road is linked to the internal road system at an interval of no greater than 500 metres.

Water and Utilities

- (6) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection* 2006.

B6 Wetland, Watercourses and Riparian Zones

- (1) All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialist field. The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of Waterfront Land (as defined in the *Water Management Act 2000*).
- (2) Operations shall not damage or interfere in any way with:
 - Vegetation and habitat within the riparian corridors
 - The stability of adjacent or nearby bed or banks of Waterfront land
 - The stability of Waterfront Land and their associated environments
 - The flow of watercourses within Waterfront Land
 - The quality of water within Waterfront Land
 - Any pumps or structures in the vicinity (that are licensed under the Water Act 1912 or the Water Management Act 2000).
- (3) Any works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse, must emulate a stable natural watercourse system that behaves as, and has the appearance of, a stable natural stream system of the area (including floodplains, terraces and other typical natural features). Part of

the form of the watercourse is to create meanders, suitable pool and riffle sequences, with suitable aquatic and terrestrial habitat.

- (4) The extent of the rehabilitation / restoration of Waterfront Land are to be as indicated by a work program for all works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse. Rehabilitation / restoration, and watercourse form must be consistent with the DWE *Guidelines for Controlled Activities* (February 2008) *Instream Works*.
- (5) All riparian zones within the site as illustrated on the updated Restoration Management Schedule prepared by Travers Environmental dated 9 July 2008 and submitted as part of the Preferred Project Report must be rehabilitated. Riparian zones consisting of local native plant species shall be established and maintained in and adjacent to the watercourses within the site. The extent of the riparian zones is to be measured horizontally landward from the top of bank (top of erosion gully banks) and the widths are to be in accordance with:
 - Figure 24 – Landscape Concept Plan – Delineation between Public and Private Domain
 - Figure 27a – Buffer Analysis
 - Figure 27b – Buffer Analysis Zone 1
 - Figure 27c – Buffer Analysis Zone 2
 - Figure 27d – Buffer Analysis Zone 3

of the Environmental Assessment prepared by Kass-Hermes Urban Planning + Development and dated November 2007.

- (6) A minimum riparian zone of 50 metres consisting of local native plant species shall be established and maintained adjacent to Bevan Wetland within the site. The extent of the riparian zone is to be measured from the wetland high water mark and is to be in accordance with Figure 27a – Buffer Analysis of the Environmental Assessment.
- (7) Site rehabilitation is to be undertaken in accordance with the Ecological Site Management Plan (ESMP) prepared by Conacher Travers Environmental Consultants dated September 2007. Any remnant local native riparian vegetation within the site shall be protected and any riparian zones disturbed or otherwise affected by the development shall be restored to a state that is reasonably representative of the natural ecotone of the protected waters system – to achieve sound naturalised watercourse and long term riparian area stabilisation and management by the enhancement / emulation of the native vegetation communities of the area.
- (8) Seed and propagule sources are to be from local botanical provenance (regarded as from as close as possible and from the same general habitat - same soil type, distance from watercourse, exposure etc)
- (9) The riparian zone (and all areas and activities described in the ESMP) must be maintained for a period of at least five (5) years after final planting or where other revegetation methods are used, five years after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the ESMP, and five (5) years minimum for those areas required for access and maintenance relating to any works program.
- (10) The Proponent must ensure that all works and activities within the site do not compromise the implementation of the ESMP in any way.

- (11) A permanent physical barrier to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations. The barrier needs to be appropriate to the site and be designed to:
- Be suitable for any flooding issues;
 - Not impede the function of the vegetation as a corridor linkage
 - Allow for small fauna passage underneath the barrier and must be of an open (eg mesh or bar type) structure to allow light and air flow and to provide continuity with adjacent (buffer or non-riparian) vegetation
 - Be suitable as a maintenance edge for any open space management such as mowing / slashing etc
 - Be fire-proof, if it coincides with the boundary of an Asset Protection Zone
- (12) Any roads are to be located beyond the riparian zones with the exception of crossings.
- (13) Any cycleways and pedestrian pathways are to be located beyond the riparian zones with the exception of crossings and strategic access locations. (If access is required to the wetland or watercourse it may be provided by branch paths at strategic locations where the ecological integrity of any existing riparian vegetation and the bio-physical functions of the riparian corridor, stream bed and bank stability will not be compromised). The pathways are to be designed and constructed in accordance with the DWE draft Guideline: *Design and Construction of Paths, Cycleways and Accessways along Watercourses and Riparian Area Guideline (Version 3, April 2007)*.
- (14) Any pipeline and their associated disturbed areas are not to be located in any riparian area with the exception of crossings. If any pipeline is required to be located in a riparian area the watercourse and riparian area functions are not to be compromised and:
- in these areas, pipelines or cables must be "seamless", very durable and reliable;
 - not require to have access / inspection points or maintenance access tracks for maintenance or other purposes within any riparian zone;
 - minimise disturbance within the riparian zone and bed and bank of any watercourse;
 - not disturb existing vegetation;
 - not restrict the establishment of trees in any way within a riparian zone;
 - minimise disturbance of any existing local vegetation community.
- (15) Any pipeline crossings of watercourses must always be directionally drilled or constructed within crossing structures, such as bridges to avoid direct impacts on the aquatic and terrestrial ecology. The underground boring should commence from the outer edge of the riparian zone and be bored for the full width of the watercourses and riparian zone.
- (16) Any watercourse crossing structures must be located, designed and constructed consistent with the DWE *Guidelines for Controlled Activities* (February 2008) *Watercourse Crossings*.
- (17) Only those requirements for bushfire asset protection zones as shown on the presented plans will be allowed. No further compromise in any way to the extent, form or function of the riparian zones is to occur.

- (18) Existing farm dams located on-line or in any riparian area are not to be used as water quality control ponds. Any new permanent constructed water quality basin / wetlands / flood compensatory area and their associated disturbed areas are not to be located in any riparian areas in or on-line.

B7 Water Quality

- (1) All the recommendations and proposed stormwater and water management measures and erosion and sediment controls detailed in the Water Management Report prepared by Patterson Britton and Partners, dated November 2007 and attached Figures are fully implemented and must be included in any application submitted to Council for subdivision.
- (2) Development of the site is to proceed in accordance with the Conservation and Land Use Management Plan and the Ecological Site Management Plan, both prepared by Conacher Travers Environmental Consultants, dated September 2007.
- (3) The design and construction of the proposed four watercourse crossings on site (in particular the tributaries of Saltwater Creek in the northern section of the site) are to be undertaken in accordance with the Department of Primary Industry's *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*.
- (4) No structures or encroachments into the core riparian buffer zone of the Bevia Wetland are permitted.
- (5) Prior to the release of a subdivision certificate for each stage an independent audit of erosion and sediment controls used during construction of the subdivision road network is to be conducted and submitted to Council.

B8 Water Quality Monitoring Regime

- (1) Water quality monitoring is to be undertaken throughout all phases of the project as described in the Water Management Report prepared by Patterson Britton and Partners (dated November 2007) and in accordance with the Monitoring Schedule included in the Ecological Site Management Plan prepared by Conacher Travers dated September 2007 to ensure that the predicted water quality objectives in the Environmental Assessment report and attachments are met.
- (2) Monitoring and reporting shall continue for a minimum of 12 months after completion of all works associated with the development.
- (3) Each monitoring report shall include a cumulative analysis of the results and data recorded in previous annual monitoring reports and shall be submitted to Council.

B9 Aboriginal Heritage Management Plan

- (1) The proponent must develop a Cultural Heritage Management Plan (CHMP) for the site. The CHMP should be developed and implemented in consultation with the relevant Aboriginal stakeholders. The plan must include procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the investigation area, details of proposed further archaeological investigation prior to impact, identification and management of previously unrecorded sites (excluding human remains), and a program of monitoring.
- (2) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal

community and the DECC are to be notified. If the remains are found to of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECC.

- (3) If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by the DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.
- (4) All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and the DECC.
- (5) The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.
- (6) An Aboriginal Cultural Education program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

B10 Aboriginal Archaeology for Southern Access

- (1) Future development applications which seek approval for the southern entry access road from George Bass Drive (as indicated on Drawing No. CA-003-K prepared by Roberts Day and Candelapas Associates) will include evidence that preliminary Aboriginal archaeological testing (which may include surface and subsurface testing) has been undertaken to the satisfaction of the Department of Environment and Climate Change.

B11 Hollow-Bearing Trees

- (1) Separate approval from Council shall be sought for the removal of hollow-bearing trees located within the developable area as defined on Dwg No. CA-002-J prepared by Roberts Day and Candelapas Associates dated 8 July 2008.
- (2) Where possible, hollow bearing trees identified for removal should have the hollow sections collected and re-erected elsewhere on the site. Where this is not feasible (ie. because of decaying or unstable timber) artificial nest boxes providing accommodating of similar size to the removed hollows are to be erected in suitable locations. Specifications of the artificial nest boxes are to be in accordance with the details set out in the Ecological Site Management Plan prepared by Conacher Travers Environmental Consultants, dated September 2007.

SCHEDULE 3

**MP 05_0199
RESIDENTIAL SUBDIVISION DEVELOPMENT**

BEVIAN ROAD, ROSEDALE

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT, 8 AUGUST 2008)

August 2008
BEVIAN ROAD CONCEPT APPLICATION
ROSEDALE

Draft Statement of Commitments

The Director-General has requested pursuant to section 75F(6) of the *Environmental Planning and Assessment Act 1979* that the Rosedale EA include a Draft Statement of Commitments. If approval for the proposed project is granted, Marsim will commit to the following environmental Management, heritage and mitigation measures for the proposed project subject to final agreement with Eurobodalla Shire Council in the Development Application phase of the approval.

No.	Commitment	Applicable Phase
1.0	Hours of Operation	
1.1	Construction works for the project will be limited to the hours of 7am to 7pm Monday to Saturday.	All phases
2.0	Site Security	
	To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include: • Lockable security gates; • A security fence around the staged work perimeter;	All phases
3.0	Appointment of Project Ecologist	
3.1	The proponent and community association shall appoint and retain a project ecologist as necessary. The project ecologist will be a suitably qualified professional restoration ecologist.	All phases
4.0	Induction Manuals, Training and Contract Management	
4.1	The proponent, in consultation with the Project Ecologist, will prepare induction manuals in accordance with section 5.1.1 of the <i>Ecological Site Management Plan</i> .	All phases
4.2	All employees and contractors involved with the development shall undergo induction and training in accordance with the induction manual.	Phase 1
4.3	All contracts for works onsite are to require contractors to comply with all performance criteria listed in section 4.4 of the <i>Ecological Site Management Plan</i> .	All phases
4.4	All contractors will be responsible for rectifying damage or paying fees for damage they have caused to trees identified for retention.	All phases

5.0	Site Construction Plans	
5.1	Prior to the commencement of construction works a site construction plan is to be reviewed by the Project Ecologist. The site constructions plans must not be inconsistent with the <i>Ecological Site Management Plan</i> and any of the development consent conditions.	All phases
6.0	Approvals and Licenses	
6.1	Approvals will be sought from the Department of Environment and Conservation for a seed collection licence.	Phase 1
7.0	Bushfire Prevention and Hazard Reduction	
7.1	Asset Protection Zones shall be provided in accordance with Tables 2-7 of the <i>Bushfire Protection Assessment</i> .	All phases
7.2	Fire Management Zones to be provided in accordance the <i>Fuel Management Plan</i> and maintained in accordance with the Operational Works Schedule contained in Annexure 1 of the <i>Fuel Management Plan</i> .	All phases
7.3	The proponent shall manage the fuel levels within the Asset Protection Zones in accordance with section 5.2 of the <i>Fuel Management Plan</i> until such time as the Community Subdivision is registered and the Community Association has jurisdiction.	All phases
7.4	Known Yellow-bellied Glider habitat will be protected from destruction or damage during bushfire hazard reduction in accordance with the recommendations in the <i>Fuel Management Plan</i> .	All phases
7.5	Hazard reduction is to avoid creating canopy separation greater than 10 metres to protect Yellow-bellied Glider canopy movement around existing ecological corridors.	All phases
7.6	The buildings shall be constructed in accordance with the strategies identified in Schedule 1 to the <i>Bushfire Protection Assessment</i> .	All phases
7.7	Proponent to undertake fire trail maintenance in accordance with the Operational Works Schedule contained in Annexure 1 of the <i>Fuel Management Plan</i> prior to occupation of precincts by residents.	All phases
7.8	Proponent is to install fire trails and undertake maintenance in accordance with Operational Works Schedule contained at Annexure 1 of the <i>Fuel Management Plan</i> prior to occupation of precincts by residents.	All phases
7.9	Proponent to prepare a Bushfire Emergency Response Plan to provide a procedure in the event of fires threatening the community scheme.	Phase 1
7.10	Proponent will prepare performance assessment criteria for the future monitoring of fuel management activities.	Phase 1

8.0	Vegetation Protection	
8.1	The proponent will ensure there is no residential development, clearing, slashing, harming, cutting, removal or disturbance of vegetation (other than weeding or bush regeneration) carried out within conservation areas and riparian corridors.	All phases
8.2	The proponent will clearly identify areas to be protected before and during development / construction / regeneration works.	All phases
9.0	Tree Protection	
9.1	All canopy vegetation not impacted by building envelopes and roads is to be retained unless approved by Project Ecologist. Trees directly affected by the building envelope are to be removed in accordance with the final tree removal plan. However trees that overhang buildings are to be retained if it is considered safe, does not compromise the structural integrity of the building and/ or the bushfire hazard risk to the building.	All phases
9.2	A qualified arborist is to monitor damage to trees on a regular basis if any hollow bearing tree is recommended for removal and the works are to be approved.	All phases
9.3	The proponent will implement the Tree Protection Guidelines and Tree Protection Zones (TPZ) for all retained trees within the developable portions of the site as reasonably practicable.	All phases
9.4	The Project Manager or delegated officer will inspect a site prior to, during and post construction to ensure trees designated for exclusion zones are adequately marked and other appropriate protection procedures are being maintained.	All phases
9.5	<p>The following tree clearing techniques will be implemented:</p> <p>(a) Tree Protection Zones will be avoided.</p> <p>(b) If any tree to be removed is a hollow-bearing tree and occupied by native fauna, the tree will be lowered by a machine after the tree has been shaken to evict sheltering fauna. Once lowered, the Project Ecologist will examine all hollows for fauna occupation. If fauna is sheltering within a felled hollow, the hollow with the fauna still inside will be relocated to the Conservation Zones to allow the fauna to escape.</p> <p>(c) Cleared vegetation will be mulched or wood chipped and used in nominated landscape beds.</p> <p>(d) Removal of weeds and destruction or removal of all weed propagules will be undertaken onsite in accordance with appropriate Weed Management Techniques in accordance with Conacher Travers Ecological Site Management Plan.</p> <p>(e) Undertake weed control, bush regeneration methods and revegetation works in accordance with Conacher Travers Ecological Site Management Plan.</p> <p>(f) Regeneration of cleared surfaces via seeding, planting of native species, mulching and the installation of biodegradable blankets in accordance with Conacher Travers Ecological Site Management Plan; and</p> <p>(g) implementation of water control measures including construction of earth banks, catch drains, detention and sediment ponds, grassed and armoured waterways, rock earth and sand bag dams and outlet protection systems.</p>	All phases

9.6	If filling occurs around the trunk of a tree, blue metal will be placed around the base of each tree to separate the soil from the lower trunk and where possible, fill will be graded to approx. 100mm around the base of each tree.	All phases
9.7	Penalties generally are incurred for minor infringements at \$1,000 per incident, and damage to protected trees at \$5,000 per incident, penalties will be subject to NSW Law.	All phases
9.8	All unintended damage to retained trees will be reported to the Project Ecologist who will recommend appropriate remedial measures if required.	All phases
9.10	Trees killed or damaged during the pre-construction, construction or post-construction phases that were to be retained will be replaced with locally collected provenance seed propagated tube stock at a ratio of 1 to 1 planted in the location of the original tree.	All phases
10.0	Fencing	
10.1	All pre-existing internal fencing will be removed from the development area on a precinct by precinct and/ or stage by stage basis.	All phases
10.2	All lengths of barbed wire on all existing boundary fences will be replaced with plain fencing on a precinct by precinct and/ or stage by stage basis.	All phases
11.0	Weed Control	
11.1	Environmental and Noxious Weed removal will be undertaken across the entire development area targeting key invasive species on a strategic basis. All noxious weeds are to be continually suppressed and maintained at low densities and coverage. Weed removal techniques will be in accordance with the Ecological Site Management Plan and are to avoid the promotion of weeds in previously treated or adjoining areas.	All phases
11.2	Targeted weed control will be undertaken throughout the retained bushland areas in accordance with the <i>Ecological Site Management Plan</i> .	All phases
11.3	Native species as contained in the <i>Ecological Site Management Plan</i> will be used for replacement planting once weeds are removed.	All phases
12.0	Pest Species Management	
12.1	The proponent will implement a pest control program in accordance with the <i>Ecological Site Management Plan</i> for foxes and rabbits in the conservation and ecological zones.	All phases

12.2	Baiting for wild dogs and foxes will be undertaken in accordance with approvals from the Rural Lands Protection Board, Department of Agriculture, the Department of Environment and Conservation and the Community Association and/or Council (as applicable).	All phases
13.0	Threatened Species Management	
13.1	Threatened Species Habitat and Core Endangered Ecological Communities will be protected and conserved to achieve a maintain or improve outcome in accordance with the Conservation and Land Use Management Plan (CLUMP) and the Ecological Site management Plan (ESMP). The removal of low condition threatened species habitat and endangered ecological communities are to be offset through regeneration of existing degraded habitat and restoration of new habitat in accordance with the Precinct Plan, CLUMP and ESMP.	All phases
13.2	The known Yellow-bellied Glider denning sites are to be retained in accordance with the tree removal plan and the <i>Ecological Site Management Plan</i> .	All phases
13.3	Artificial nest boxes are to be constructed and installed in accordance with the hollow specifications of known threatened fauna species to occur onsite including Yellow Bellied Glider, Owls and Microbats. Artificial nest boxes are to be installed at a rate of 4 nest boxes per hollow tree removed from the development area.	All phases
13.4	The proponent will replant endemic species of trees and shrubs in accordance with the Ecological Site Management Plan in ecological corridors and restored habitat areas that will provide long term foraging and roosting resources for threatened fauna species and general arboreal fauna. The quantity and type of nest boxes are to strategically target hollow bearing resources that is lacking in within the site to supplement and enrich the current roosting/denning and foraging resources throughout the year.	All phases
14.0	Bush Regeneration	
14.1	The proponent will consult a suitably qualified bush regenerator when undertaken at regeneration works.	All phases
14.2	Nursery grown tube stock is to be replanted into designated restoration areas and appropriate ongoing management undertaken to ensure survival on a stage by stage basis.	All phases
14.3	The recruitment / augmentation of plantings within areas to be slashed for bushfire hazard management will be restricted unless significant dieback occurs.	All phases
14.4	Bush regeneration works will be undertaken in the conservation areas and ecological corridors in a manner generally in accordance with the <i>Ecological Site Management Plan</i> , <i>Roberts Day's Landscape Concept Plan CA-005</i> and detailed design to be conducted during the DA phase.	All phases

14.5	Woodchip or other mulch is to be placed at a depth of 75 -100mm covering any bare areas of soil where tree planting or landscaping is to occur. Areas surrounding the stems / trunks of plants are to be kept free from mulch to reduce the incidence of collar rot.	All phases
14.6	No mulch will be spread or stockpiled within perimeter Asset Protection Zones, habitat corridors or regeneration areas.	All phases
15.0	Habitat Management	
15.1	Ecological corridors will be established and restored in accordance with the Ecological Site Management Plan.	All phases
15.2	Exotic weeds and invasive species as listed in the Ecological Site Management Plan will be targeted and controlled to suppress & if possible eradicate from site.	All phases
15.3	To survey all hollow bearing trees across the site and prepare a habitat tree management plan to protect potential threatened species habitat.	All phases
15.4	All areas of fallen timber identified by the Project Ecologist as fauna habitat prior to construction will be protected and retained if appropriate. Any nests or roosts located during development works to be relocated to nearby retained trees by an experienced fauna ecologist.	All phases
15.5	All felled hollows and affected fauna will be removed from the tree and relocated to suitable trees within the development areas or conservation zones.	All phases
15.6	Boundaries of the conservation areas and ecological corridors will be clearly identified.	All phases
16.0	Landscaping	
16.1	Soil improvements may not include pH adjusting additives within close proximity to Bevan wetland as defined by the inner edge of the perimeter APZ.	All phases
16.2	Swimming pools, if constructed, will be designed in accordance with Australian Codes and Council Codes prior to building.	All phases
16.3	Maintenance Manuals will be prepared by the proponent to assist in guiding ongoing maintenance of the landscaping of the site.	All phases
16.4	Locally endemic native species will only be used in landscaping, asset protection zones and parks immediately adjacent to conservation areas and ecological corridors.	All phases

17.0	Pets	
17.1	Ownership of cats (other than "Assistance animals" as defined under in the Disability Discrimination Act 1992 for people with disabilities) by residents will not be permitted within the Country or Edge Zones as defined in Character Plan in Roberts Day's Urban Design Guidelines.	All phases
18.0	Erosion and Sediment Control	
18.1	Environmental protection fences/ sediment control fences will be installed prior to the commencement of any works in a precinct. Undertake monitoring of environmental protection and sediment control fences to rectify any damage and remove built up sediments.	All phases
18.2	An Erosion and Sediment Control Plan will be reviewed by the Project Ecologist and Council for approval prior to the commencement of construction.	All phases
19.0	Ground Water	
19.1	The Proponent will measure water quality before, during and after the development to ensure that ground and surface water quality is maintained.	All phases
20.0	Stormwater and Nutrient Control	
20.1	Stormwater management and nutrient control devices must be implemented in accordance with the <i>Water Management Plan</i> .	All phases
20.2	Stormwater flows are to be diverted through gross pollutant control and nutrient filter devices where appropriate.	All phases
20.3	Overflow from the rainwater tanks and runoff from other hardstand areas must be conveyed either by the stormwater drainage system or swales to the biofiltration basins/detention systems located in accordance with the <i>Water Management Plan</i> .	All phases
20.4	Each single dwelling house is to have a rainwater tank with a minimum size of 3,000L fitted with a first flush device for the collection of the majority of roof area runoff.	All phases
20.5	Reuse of collected stormwater runoff should be undertaken for non-potable purposes including garden irrigation and car washing.	All phases
20.6	All taps connected to rainwater tanks are to be identified as 'RAINWATER' with a sign complying with AS 1319. The rainwater tanks can be backed up with mains water in case of dry weather.	All phases
20.7	Driveways and pathways are to be constructed of permeable pavement material and comply with relevant Australian Standards and Building Code of Australia.	All phases

20.8	Buffer strips used for treatment of overland stormwater runoff to be either native vegetation or grassed areas as appropriate.	All phases
21.0	Cut and Fill Management	
21.1	All cut and fill works will be carried out in accordance with Section 4.4.2 "Bulk Earthworks" of the <i>Ecological Site Management Plan</i> .	All phases
21.2	Where appropriate, fill will be graded down around the bole of trees. In cases where the level of fill is too high for this method to be practical, other measures such as the installation of blue metal fill surrounding the trunks of trees or the relocation of trees that are to be retained to the filled ground level may be done.	All phases
21.3	If a tree to be retained is likely to be damaged as a result of earthworks, the tree may be replaced with the same species in the same location as the original tree at the new ground level. Guidance from the project ecologist is to be sought if the original tree contains hollows or resident fauna.	All phases
22.0	Monitoring, Auditing & Reporting	
22.1	The Project Ecologist will conduct the audits and certification as required under Appendix 5 of the <i>Ecological Site Management Plan</i> .	All phases
22.2	Project Ecologist to review all activities relating to works in the ecological corridors every year for a minimum of 5 years.	All phases
22.4	The proponent will establish standard locations for monitoring (once yearly for 10 years) vegetation growth, weed control and water quality strategically placed within conservation areas and ecological corridors.	All phases
22.5	Artificial nest boxes will be monitored for glider use and condition annually for the first 10 years to assess occupancy rates of fauna and replacement of damaged or deteriorated boxes as required. Monitoring will also include identifying the use of nest boxes by feral bees. Any exotic species will be removed.	All phases
22.6	Threatened species monitoring is to include plot and transect based surveys in accordance with the <i>Ecological Site Management Plan</i> . The annual Environmental Management Report is to include a cumulative analysis of the monitoring results including data from previous years.	All phases
22.7	The health and condition of the trees within the habitat corridors is to be monitored and all necessary steps taken to restore and replace any large trees lost since the previous monitoring period.	All phases
22.8	Proponent shall review the Fuel Management Plan on an annual basis until the final occupation certificate is issued.	All phases
22.9	Proponent to monitor bushfire risk in accordance with the Fuel Management Plan.	All phases

22.10	Site landscape maintenance to comply landscape specifications as contained within the Ecological Site Management Plan.	All phases
22.11	<p>The Proponent will implement a maintenance program in accordance with the Ecological Site Management Plan which will include:</p> <ul style="list-style-type: none"> • target noxious and environmental weed control • waste control • watering and revegetation maintenance • repairs to protection and sedimentation fencing; and • cleaning of any permanent anti-sedimentation structures or traps 	All phases
23.0	Cultural Heritage	
23.1	Management and impact mitigation strategies as outlined in Section 16 of Navin Officer's <i>Cultural Heritage Assessment</i> will be adopted throughout the Concept Application and development approval processes for instigation during construction.	All phases
23.2	Management strategies will be conducted in association with the construction of the relocate southern vehicular entry as outlined in Navin Officer's letter entitled " <i>Review of Potential Archaeological Impacts of Proposed Southern Access Road Alignment - Addendum to Bevan Road Concept Application</i> " dated 25 June 2008 and lodged with the Preferred Project Report as Attachment K.	All phases
23.3	Future project applications which seek approval for the southern entry access road from George Bass Drive (as indicated on drawing CA 003-K) will include evidence that preliminary Aboriginal archaeological testing (which may include surface and subsurface testing) has been undertaken to the satisfaction of the Department of Environment and Climate Change and the Department of Planning.	Phase 1
24.0	Voluntary Planning Agreement – Council	
24.1	<p>The proponent will enter into a formal Voluntary Planning Agreement (VPA) with Eurobodalla Shire Council. The document will be formally entered into during the Development Application phase of the project.</p> <p>The intent of the VPA is to formalise Council's agreement to dedicate part of the Sewer Treatment Plant land, part Lot 5 in DP 264630, for use by the proponent to access the site off George Bass Drive from the south along the eastern side of the Bevan Wetland.</p> <p>in accordance with the recommendations of the motion approved by Council on the 24th June 08, "<i>Governance Report to Ordinary Meeting of Council Held on Tuesday 24th June 2008 – G08/06 Dedication of Council Land for Road, Tomakin Sewer Treatment Plant</i>", the VPA will formalise the following agreements:</p> <p>"1. A 20m side strip within Lot 5 DP 264630 be dedicated as public road subject to:</p> <ul style="list-style-type: none"> a) All costs associated with the dedication including Council's reasonable legal costs being borne by the proponents of the development of land to the north of the Tomakin Sewer Treatment Plant. b) The proponents entering into a planning agreement to expend an amount equivalent to the market value of the land proposed to be dedicated as public road on local public infrastructure. 	

	<p>c) Market value of the land being determined by a registered valuer</p> <p>d) In addition to (b) the proponent be responsible for all costs associated with the provision of suitable vegetative screening of the treatment plant along the proposed road if required and any necessary relocation of existing water and sewer infrastructure within the proposed road"</p> <p>Council's Governance Report and recommendations will provide the basis of the agreement.</p>	
24.2	The VPA will also allow S94 Contributions off-sets where the proponent has dedicated land for public open space and/or other uses such as roads for use by the public.	
25.0	Alternate Access – North Bevan Road	
25.1	Should the Rosedale Parade extension into/through Rosedale Farm land be constructed in the future, Marsim would undertake to construct a connection from within the Bevan Road estate to the property boundary, provided this is ecologically and physically possible.	