

# Project Approval

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

I, the Deputy Director-General as delegate for the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Richard Pearson  
**Deputy Director-General**  
**Development Assessment & Systems Performance**

Sydney *22nd December* 2010

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**SCHEDULE 1**

<b>Application No.:</b>	06_0212
<b>Proponent:</b>	Le Clos Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 51 DP775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83-84, 86-88 DP791199 and Lots 90-95 DP805549, Sancrox Road, Sancrox
<b>Local Government Area:</b>	Port Macquarie-Hastings
<b>Project:</b>	Boundary adjustments and residential subdivision, including: <ul style="list-style-type: none"><li>• boundary adjustments between Lot 51 in DP 775871, neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549) and Lot 91 DP 805549;</li><li>• staged subdivision into 142 rural residential lots under community title; and</li><li>• provision of access, landscaping and associated stormwater drainage infrastructure</li></ul>

**PART B—NOTES RELATING TO THE DETERMINATION OF PROJECT 06\_0212****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.

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**PART C—DEFINITIONS**

In this approval,

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

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

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

**Council** means Port Macquarie-Hastings Council

**CPI** means Consumer Price Index

**DECCW** means the Department of Environment, Climate Change and Water or its successors

**Department** means the Department of Planning or its successors

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

**Environmental Assessment** means the Environmental Assessment prepared by Hopkins Consultants Pty Ltd and dated April 2008, including all Appendices

**Minister** means the Minister for Planning or delegate

**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 Hopkins Consultants Pty Ltd dated February 2009 with amendments to July 2010

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

**Proponent** means Le Clos Pty Ltd or any party acting upon this approval

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

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

**Voluntary Planning Agreement** means the Riverpark Sancrox Planning Agreement between Port Macquarie Hastings Council, Le Clos Pty Ltd, Clos Verdun Redevelopments Ltd, Riverpark Sancrox Pty Ltd and Cindy Smith and Jennifer Freeman prepared by Lindsay Taylor Lawyers

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## SCHEDULE 2

### CONDITIONS OF APPROVAL

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1     *Project Description***

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

- Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title;
- Minor boundary adjustment and re-registration of Lot 91 DP 805549 (as proposed Lot 157) under Torrens Title prior to registration of Stage 1;
- Staged re-subdivision of the remaining Le Clos Verdun estate into a total of 142 rural residential lots under Community Title;
- Retention of existing single dwellings and rural tourist facility within the estate;
- Retention and augmentation of existing roads, water mains, telecommunication lines and electricity cables which currently service the estate, and construction of new infrastructure as necessary;
- Establishment in Stage 10 of the Project of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
- Minor filling for Lots 76, 77, 95 & 143, and Lots 87, 114 & 115 in the community title subdivision;
- Clearing of approximately 8000m<sup>2</sup> of Swamp Oak Floodplain Forest over Lots 76, 77, 95 & 143 and Lots 87 & 115;
- Landscaping works including the management of existing landscaping within the site and re-planting within access and drainage routes, ridge-lines, gullies and the revegetation and rehabilitation of disturbed sections within the Haydons Creek Riparian Zone;
- A 'Cluster System' for the treatment of effluent;
- An integrated system of fire-trails within the rear of bushfire prone sites, acting as linkages within the proposed internal road system for emergency vehicle access;
- Provision of a pedestrian public accessway adjacent the Hastings River Crown Reserve connecting Bengal Street to Lot 35; and
- Creation of a system of pathways establishing practical access to the Hastings River and Haydons Creek Foreshore Reserves at Stages 1, 2, 4 and 9 of the Project.

##### **A2     *Staging***

- (1) The Project is to be constructed in stages generally as follows:

Stage A comprises:

- Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title; and
- Minor boundary adjustment and re-registration of Lot 91 DP 805549 (as proposed Lot 157) under Torrens Title prior to registration of Stage 1.

(2) The remainder of the Project is staged as follows:

- Stage 1:	80 Lots	Lots 1 – 80
- Stage 2:	5 Lots	Lots 81 – 85
- Stage 3:	3 Lots	Lots 87 – 89
- Stage 4:	2 Lots	Lots 91 – 92
- Stage 5:	9 Lots	Lots 94 – 102
- Stage 6:	7 Lots	Lots 105 – 111
- Stage 7:	4 Lots	Lots 113 – 116
- Stage 8:	4 Lots	Lots 118 – 121
- Stage 9:	8 Lots	Lots 123 – 130
- Stage 10:	7 Lots	Lots 132 – 138
- Stage 11:	4 Lots	Lots 140 – 143
- Stage 12:	9 Lots	Lots 145 – 153
- Stage 13:	3 Lots	Lots 154 – 156

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.

Note: Due to factors relating to Community Title registration and the requirement for sequential lot numbering, "Development Lot" numbers cannot be re-used with registration of subsequent stages. Hence lots within the subdivision scheme run from Lot 1 to Lot 156, while only 142 'residential', or developable lots under Community Title are being created.

### **A3 Project in Accordance with Plans**

The Project is to be undertaken generally in accordance with the following drawings:

<b>Landscape Drawings prepared by Rupert G H Milne Home, Landscape Consulting</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
2802 – Sheets 1 & 2	A	Landscape Concept Plan	11/02/2009
<b>Survey Drawings prepared by Hopkins Consultants Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
6096 – Sheet 1A	A	Overall Plan of Subdivision	06/07/2010
6096 – Sheets 1B & 1C	A	Proposed Subdivision Detail	06/07/2010
6096 – Sheet 2	A	Proposed Subdivision – Contours & Flood Levels	06/07/2010
6096 – Sheet 3	A	Proposed Subdivision – Zone Boundary	06/07/2010
6096 – Sheet 4	A	Proposed Subdivision – Aerial Photograph	06/07/2010
6096 – Sheet 5	A	Proposed Subdivision – Flood Levels & Intended Filling	06/07/2010

6096 – Sheet 6	A	Proposed Subdivision – Stormwater Strategy	06/07/2010
6096 – Sheets 7A, 7B & 7C	A	Proposed Subdivision – Sample Building Envelopes	06/07/2010
6096 – Sheet 8	A	Proposed Subdivision – Access Strategy	06/07/2010
6096 – Sheets 9A & 9B	A	Proposed Subdivision – Staging Plan	06/07/2010
6096 – Sheet 10	A	Proposed Subdivision – Comparison Existing & Proposed Lot Layouts	06/07/2010

Note: The drawings in the above table are subject to amendments in accordance with a revised subdivision plan to be submitted and approved by the Director-General as required by Condition B1 *Design Modifications* below.

#### **A4 Project in Accordance with Documents**

The Project is to be undertaken generally in accordance with the following documents:

- a) *Environmental Assessment* prepared by Hopkins Consultants Pty Ltd on behalf of Le Clos Pty Ltd, dated April 2008; and,
- b) *Preferred Project Report/Response to Submissions* prepared by Hopkins Consultants Pty Ltd on behalf of Le Clos Pty Ltd, dated February 2009 with amendments provided on 13 July 2010.

#### **A5 Inconsistency between documents**

In the event of any inconsistency between:

- a) the conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- b) the conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- c) any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

#### **A6 Requirement for Construction Certificate**

No work on the site that requires a construction certificate shall commence until a Construction Certificate has been issued and the Proponent has:

- a) appointed a Principal Certifying Authority; and
- b) notified Council the date on which work will commence.

The Principal Certifying Authority shall notify Council of work commencement at least two (2) days prior to work commencement.

#### **A7 Lapsing of Approval**

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless the proponent has demonstrated to the satisfaction of the Director-General that work has physically commenced.

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## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***B1 Design Modifications***

The following modifications shall be made to the project:

- (1) proposed lot 60 is to be a minimum of four (4) hectares in size;

Note: This condition ensures that any Part 3A subdivision approval granted by the Minister is consistent with Part 4 development consent re: 89/0079 which requires a minimum 4Ha lot requirement for the rural tourist facility.

- (2) public pedestrian access is to be provided along the western boundary of the site adjacent the Crown Reserve, between Bengal Street and Lot 33;
- (3) Notwithstanding sub-clause (2), should relevant approvals be granted by the LPMA, this public pedestrian access is to be provided as a 2.1 metre wide delineated pathway within the Crown Reserve adjacent the site, or as otherwise agreed with the LPMA.

Note: These clauses ensure that public pedestrian access along the Hastings River foreshore is improved as a result of any subdivision approval in accordance with SEPP 71 objectives. They require access to be provided on the site unless arrangements can be made to undertake the works on Crown land.

- (4) present Lot 51 is not to form part of the Community Title subdivision, nor does it form part of the Community Association;

The modified plans shall be submitted to and approved by the Director-General prior to the issue of the first Construction Certificate for any stage of the project other than Stage A.

### ***B2 Traffic***

Prior to the issue of a construction certificate for stage 2, the proponent is to submit for the approval of Council, a revised traffic assessment. This assessment is to identify the point at which the intersection of the entry road and Sancrox Road is to be upgraded to the 'ultimate' layout as per AUSTROADS CHR treatment by determining when the warrants for Right Turn Lanes (as per AUSTROADS Guide to Traffic Engineering practice Part 5: Intersections at Grade – section 6.8) are met by traffic generated from this site.

### **Remediation / Demolition / Earthworks**

#### ***B3 Remediation of Land***

- (1) Prior to the issue of a Construction Certificate for Stage 6 of the Project, the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey for the underground diesel fuel tank on proposed lot 110. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by DECCW to issue site audit statements.



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**B4     *Acid Sulfate Soil Management Plan***

A detailed Acid Sulfate Soil Management Plan for the Bridge crossing in Stage 10 of the Project shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 10.

**Construction Management**

**B5     *Construction Management Plan***

Prior to the issue of a Construction Certificate for the Project, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. Notwithstanding, where any work is to be undertaken in stages, the proponent may stage the submission of the management plan consistent with the staging of activities relating to that work. 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 (as per Condition B4);
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and,
- g) flora and fauna management.

**B6     *Traffic & Pedestrian Management Plan***

1) 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:

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The traffic control component of the plan shall detail the location of the proposed work zone area in a Construction Zone Plan prior to the erection of signage, giving dimensions from the nearest cross street kerb, the location of any existing regulatory signposting and indicating the period for which the parking restriction is required. Any persons preparing such management plans shall be RTA accredited or equivalent.

(2) The Proponent shall submit a copy of the approved plan to Council.

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**B7 Stormwater Management Plan**

A stormwater management plan must be prepared demonstrating how the project can be drained in accordance with the requirements of both Council's AUSPEC Specifications and those of the NSW Department of Industry and Investment. The plan must be prepared and certified by a suitably qualified civil engineer or registered surveyor and include, but not be limited to the following:

- a) Level of detail as required by Council's AUSPEC Design Specifications (see AUSPEC D7 Table D7A-4); and
- b) a works sequencing plan supported by necessary design calculations and specifications demonstrating how stormwater discharge from all stages of the project can comply with the specified stormwater quality and quantity requirements.

The Stormwater Management Plan shall be submitted to the Council for approval prior to the issue of a Construction Certificate for any stage of project.

**B8 Stormwater and Drainage Works Design**

Final design plans of the stormwater drainage systems within the Project, prepared by a qualified practicing Civil Engineer or Registered Surveyor and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for any stage of the project. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

**B9 Road Design**

All roads shall be designed in accordance with the relevant requirements of Council and the RTA (as applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer or Registered Surveyor and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**B10 General Engineering Requirements**

- (1) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (2) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (3) In respect of applications for other than separate Class 1 buildings, the Proponent is required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
  - a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
  - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the site, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.

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- c. Complete details of any fire service, booster pump or irrigation system installation.
- (4) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate, detailed design plans for the following infrastructure works that may become a Council asset associated with the Project:
- Access ways within the Project in accordance with AUSPEC D1 and D2 design specifications – Port Macquarie-Hastings Council current version;
  - Water supply reticulation in accordance with AUSPEC design specification D11, Port Macquarie-Hastings Council current version;
  - Water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies;
  - Stormwater systems in accordance with AUSPEC design specifications D5 and D7 Port Macquarie-Hastings Council current version;
  - Erosion & sedimentation controls in accordance with AUSPEC Port Macquarie-Hastings Council current version;
  - Location of all existing utility services including:
    - i. conduits for electricity supply and communication services;
    - ii. water supply;
    - iii. sewerage;
    - iv. stormwater;
  - Pathways, cycleways and associated facilities in accordance with AUSPEC design specification D9, Port Macquarie-Hastings Council current version;
  - All intersection works including full width sealing, linemarking and streetlighting lighting required by this approval; and
  - Provision of a bus bays (both sides of Sancrox road), bus shelter and bicycle racks in accordance with AUSPEC specifications and Austroads.
- (5) The provision of additional civil works at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the Project. Design plans are to be approved by Council prior to issue of the first Construction Certificate.
- (6) If engineering works are of a value greater than \$25,000, a detailed estimate of cost of the civil engineering works and documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plan.
- (7) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (8) Detailed design is to be provided with the Construction Certificate for Stage 1 for the intersection of the entry road and Sancrox Road. This intersection is to be provided to the standard of an AUSTROADS "Rural Type AUR" intersection as an 'interim ' measure that will allow right turn movements.
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Detailed design is to include:

- right-turn lane and passing lane
- all required street lighting in accordance with AS/NZS1158, signage in accordance with AS1742.2 and linemarking (as per AUSTROADS Part 5 - figure 6.38)
- bus bays on both sides of Sancrox Road
- bicycle racks

Detailed design for the 'ultimate' layout as per AUSTROADS CHR treatment is to be provided, if required, with the construction certificate for that stage of the project for which it is warranted, in accordance with the revised traffic assessment required under this approval.

(9) The Proponent shall;

- undertake Geotechnical investigations to confirm the condition of pavements within the existing Sancrox Road intersection footprint prior to the undertaking of any intersection upgrade works.
- undertake pavement rectification of the Sancrox Road intersection footprint as per the recommendations of the geotechnical investigation and recommendations or as directed by Council.

(10) Approval pursuant to Section 138 of the *Roads Act 1993* to carry out works required by the approval on or within public road is to be obtained from Port Macquarie-Hastings Council. The application for this engineering approval must be made on the prescribed form with payment of fees pursuant to Section 223 of the *Roads Act 1993* in accordance with Council's Schedule of Fees and Charges. The application is to include detailed design plans prepared by an appropriately qualified and practising consultant. A copy of the approval is to be submitted with the application for the first Construction Certificate other than for Stage A. Under the provisions of the *Local Government Act 1993* and/or the *Roads Act 1993*, if the activity is staged, the activity or the specified part or aspect of the activity, or any thing associated with the activity or the carrying out of the activity, may be the subject of a further approval.

Such works include, but not be limited to:

- Civil works;
- Traffic management
- Work zone areas
- Hoardings

(11) Approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works within the development site required by the approval is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.

(12) The requirements, pursuant to Section 306 of the *Water Management Act 2000*, to carry out water management works on public land, required by this approval is to be obtained from Port Macquarie-Hastings Council prior to the issue of a Construction Certificate.

(13) The Proponent shall provide security to the Council for the payment of the cost of the following:

- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the approval relates;

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- (b) completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the approval; and
  - (c) remedying any defects in any such public work that arise within twelve(12) months after the work is completed.

Such security should be provided to Council prior to the issue of the Construction Certificate and / or Section 138 approval (*Roads Act 1993*) to the amount of the estimated cost plus 30% of public works by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security bond may be reduced upon 'practical completion' of the infrastructure works to an amount of 10% of the contracted works for Community Title subdivision or \$5000 whichever is the greater of carrying out the Project.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995."

- (14) All water, sewer and stormwater services necessary to service the Project must be provided in accordance with the Council's requirements. Details of such services are to be submitted to and approved by Council and are to be in accordance with Council's AUSPEC specifications.

## **Flooding**

- (15) The current 1:100 year flood levels for the site (shown on Plan of Proposed Subdivision with Contours & Flood Levels - Sheet 2, Appendix C of the Preferred Project Report) shall include an allowance for climate change at the site. The revised 1:100 year (climate change adjusted) level shall range from 4.9m – 5.4m AHD.

Alternatively, the Proponent shall undertake a further flood study in accordance with the *NSW Floodplain Development Manual (2005)* to determine the 1:100 year climate change adjusted flood level. The flood study shall include the requirements outlined in the *NSW State Government Sea Level Rise Policy Statement (2009)*. Hazard mapping must also be included. Consideration must also be given to the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise (October 2009)*.

All new infrastructure that requires a 100 year level of service (eg. roads, bridges etc) shall be designed to the revised 1:100 year climate change adjusted levels. Details are to be submitted to Council prior to release of the Stage 1 Construction Certificate for the Project.

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**B11     *Voluntary Planning Agreement***

Pursuant to section 93I(3) of the Act, the Proponent must enter into a planning agreement prior to the release of the first Construction Certificate in accordance with the terms set out in the letter of offer dated 2 November 2010 to Port Macquarie Hastings Council.

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## **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 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*.

### **Pollution Control**

#### **C2      *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.

#### **C3      *Contact Details***

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

#### **C4      *Indigenous Heritage***

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 local Aboriginal community.

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## **PART D—DURING CONSTRUCTION**

### **Construction Management**

#### ***D1      Approved Plans to be On-site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, 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:

- a) Details of the Builder, Principal Certifying Authority and Engineer for all stages of the Project;
- b) The approved hours of work;
- c) 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
- d) A statement that unauthorised entry to the site is not permitted.

#### ***D3      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.

### **Site Maintenance**

#### ***D4      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.

#### ***D5      Dust Control Measures***

The project shall be carried out in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.



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## **Noise and Vibration**

### ***D6 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:

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

Works may be undertaken outside these hours where:

- a) the delivery of materials is required outside these hours by the Police or other authorities;
- b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- c) the work is approved through the Construction Noise and Vibration Management Plan; and 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.

### ***D7 Construction Noise***

The Proponent shall minimise noise emissions from plant and equipment operated on the site in relation to the Project by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures. The construction noise objective for all stages of the Project is to manage noise from construction activities so it does not exceed the background  $L_{A90}$  noise level by more than 5dB(A).

### ***D8 Waste Management***

- (1) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (2) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- (3) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (4) Wastes including vegetation shall not be disposed of by burning.

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## **Heritage**

### **D9     *Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects***

If any archaeological relics are uncovered during the course of the work in any stage of the Project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Work shall not resume without prior written consent of the NSW Heritage Office.

### **D10    *Impact of Below Ground (Sub-surface) Works – Aboriginal Objects***

- (1) If during the course of future works of any stage of the Project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment, Climate Change and Water (DECCW) must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of DECCW.
- (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 DECCW are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, DECCW 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 DECCW. 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 DECCW.
- (3) If Aboriginal cultural objects are uncovered due to the Project activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitable 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 DECCW) 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.

### **D11    *Inspections***

Works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your construction certificate number and property description to ensure your inspection is confirmed:

- a. at completion of installation of erosion control measures
- b. at completion of installation of traffic management works
- c. when the sub-grade is exposed and prior to placing of pavement materials;
- d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- e. at the completion of each pavement (sub base/base) layer;
- f. before pouring of kerb and gutter;

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- g. prior to the pouring of concrete for sewerage works and/or works on public property;
  - h. on completion of road gravelling or pavement;
  - i. during construction of water infrastructure; and
  - j. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUS-SPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

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## **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 Project.

### **E2 Compliance Certificate**

Prior to the application for a Subdivision Certificate for each stage of the Project 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 - Drainage

### **E3 Contamination**

Prior to the issue of a Subdivision Certificate 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 Environment Protection Authority to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

### **E4 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 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:

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 88B instrument.

- (2) Any Section 88B 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) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Conveyancing Act 1919*, or other applicable legislation.
- (4) The following is to be included in the Section 88B Instrument to accompany the final plan of subdivision. Apart from point e. below, the restrictions are to be worded to the satisfaction of Port Macquarie-Hastings Council and Council is to be listed as the sole party to vary or extinguish the restrictions.
  - a. Nomination of building envelopes.
  - b. A restriction as to user is to be created to require the Flood Planning Level (FPL) for all future dwelling habitable floor levels on the site shall be 4.9m – 5.4m AHD.
  - c. Establishment and maintenance of a 20m vegetated buffer for lots fronting the Hastings River, as required by this approval.

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- d. Requirement for the implementation of the approved vegetation management plan required under this approval on all affected lots.
  - e. A positive covenant is to be created over all the 7(h) Environmental Protection- Habitat zoned land under the *Hastings Local Environmental Plan 2001* along Haydons Creek and the Bloodwood Open Forest on Lots 140-141. The covenant is to be in favour of the Minister for Environment and Climate Change and Water and be worded to the satisfaction of the Department of Environment, Climate Change and Water so as to secure the long-term management of the vegetation contained on the land.
  - f. A restriction as to user is to be created requiring future residential development on the allotments to provide on-site effluent disposal systems in accordance with Appendix K of the PPR. In this regard, Table 8 in Appendix K is required to be updated to reflect revised lot numbering and Group 3 lots identified in the Effluent Disposal Assessment prepared by Coffey Geotechnics (Table 8) are to be upgraded to require subsurface irrigation of effluent.
  - g. Effluent disposal areas and bushfire asset protection zones noting that all such areas are to be located outside 7(h) Environmental Protection – Habitat zones, with effluent disposal areas to additionally satisfy minimum setback requirements outlined in Appendix K of the PPR.
- (5) 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.

### **Stormwater Management**

#### **E5 Stormwater Management**

Prior to the issue of a Subdivision Certificate for any stage of the project, other than Stage A, a maintenance plan/schedule must be prepared and submitted to Council for approval to specify the requirements for the ongoing maintenance of the stormwater drainage network, drainage reserves and stormwater treatment facilities located within the development site. Please see AUSPEC D7 Table D7A – 4 for reference items for inclusion in a maintenance plan.

Following Council's approval of the maintenance plan, a positive covenant/restriction as to user shall be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to ensure the ongoing maintenance of the stormwater drainage system within the site as per the requirements of the approved maintenance plan.

The 88E instrument with positive covenant shall also include the following:

- The proprietor of the property shall be responsible for maintaining and keeping clear all overland flowpaths within the site.
- The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the stormwater drainage network and associated overland flowpaths; and recover the costs of any such works from the proprietor.
- The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the stormwater drainage network, facilities and overland flowpaths, or failure to clean, maintain and repair the stormwater drainage network, facilities and overland flowpaths.

## 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 Project, are to be carried out at full cost to the Proponent.

### **E7 Monetary Contributions**

- (1) Payment to Council, prior to the issue of a Subdivision Certificate for the creation of the relevant lot, of the Section 94 contributions set out in the table below.

<b>Open Space Contributions Plan (2006)</b>		
<b>No. of units</b>	<b>\$ per unit</b>	<b>Sub-Total</b>
61	\$5,662	\$345,382
<b>Community, Cultural and Emergency Service Facilities Plan (2006) – Sancroix Thrumster</b>		
<b>No. of units</b>	<b>\$ per unit</b>	<b>Sub-Total</b>
61	\$4,302	\$262,422
<b>Community, Cultural and Emergency Service Facilities Plan (2006) – Bushfire</b>		
<b>No. of units</b>	<b>\$ per unit</b>	<b>Sub-Total</b>
61	\$416	\$25,376
<b>Administration Building Contributions Plan (2007)</b>		
<b>No. of units</b>	<b>\$ per unit</b>	<b>Sub-Total</b>
61	\$751	\$45,811
<b>TOTAL CONTRIBUTIONS PAYABLE</b>		<b>\$678,991</b>

The contributions are levied, pursuant to the *Environmental Planning and Assessment Act 1979* as amended, and in accordance with the provisions of the following plans:

- Hastings S94 Administration Building Contributions Plan;
- Hastings Administration Levy Contributions Plan;
- Hastings S94 Open Space Contributions Plan; and
- Community Cultural and Emergency Services Contributions Plan 2005.

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (2) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000 the payment of a cash contribution. The contributions are levied in accordance

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with the "Riverpark Sancrox Agreement" and provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
- augmentation of local area water supply

## **E8 General Engineering Requirements**

- (1) The Proponent shall upgrade and construct to 'practical complete' the intersection of the entry road and Sancrox Road to the standard of an AUSTROADS "Rural Type AUR" intersection as an 'interim ' measure allowing right turn movements prior to the issue of subdivision certificate for Stage 1.
- (2) The proponent shall upgrade to the 'ultimate' layout as per AUSTROADS CHR treatment for the intersection described above prior to the issue of a subdivision certificate for that stage of the project for which it is warranted as determined by the updated traffic assessment required under this approval.
- (3) Road names proposed for the Project shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.
- (4) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision Certificate.
- (5) Prior to the issuing of the Subdivision Certificate, provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the *Roads Act 1993* have been satisfactorily completed.
- (6) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Approval effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - The relocation of underground services where required by civil works being carried out;
  - The relocation of above ground power and telephone services;
  - The relocation of street lighting; and
  - The matching of new infrastructure into existing or future design infrastructure.
- (7) Provision of street lighting to intersection in accordance with AS/NZS 1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Evidence by way of letter from the electricity authority, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.
- (8) Where any permanent control marks are placed in accordance with the Survey Regulation 2006 in the preparation of the plan, two (2) copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision. Any permanent control marks destroyed are to be replaced in accordance with the *Survey Regulation 2006*.

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- (9) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
  - (10) The internal road system and the pathway access to the foreshore areas shall be classified as 'open accessways' under the provisions of the *Community Land Development Act 1989* to ensure that public access is provided and maintained and reflected in the development contract as 'open access way' such accessways are to extend to the adjoining lands providing for linkages and connectivity for future development.

#### **E9 Voluntary Planning Agreement**

Prior to the issuing of a Subdivision Certificate for any Stage of the Project, evidence must be provided to the certifying authority confirming that all cash contributions required by the Voluntary Planning Agreement have been made as required by the agreement in relation to the creation of the relevant lots.

#### **E10 Vegetation Management**

- (1) Prior to release of a Subdivision Certificate for the first lot in the Community Title Project, a Vegetation Management Plan (VMP) shall be approved by Council. The VMP must include the 7(h) and 6(a) zones and the vegetated land (Turpentine, Bloodwood Open Forest) on proposed lots 141 and 142 and on the 20m riparian buffer fronting the 6(a) zoned land adjoining the Hastings River. Biannual milestones are to be created and linked to the stages of the project.
- (2) Prior to release of the linen for the first lot in the Community Title Project, the first stage of the establishment works are to be completed on all lands identified in the VMP.
- (3) Establishment and bush regeneration maintenance of all environmental land identified in the VMP is to continue in perpetuity. Establishment and maintenance works shall be bonded for 6(a) Open Space zoned land.
- (4) Release of stages 2-12 in the Project shall be conditional on the completion of biannual milestones detailed in the VMP to the satisfaction of Council.
- (5) A rural type fence, to Council's satisfaction, shall be erected around all 7(h) land forming the Riparian Zone to Haydons Creek and incorporate the vegetation on lots 123, 141 and 142, 154 and 155, and the 6(a) zoned land on Haydons Creek. Appropriate signage informing residents of the environmental management zone shall be erected.
- (6) A rural type fence, to Council's satisfaction, shall be erected on the eastern boundary of the 6(a) zone along the Hastings River.
- (7) The APZ and fire trail is to be located on the eastern margin of the existing vegetation for lots 141 and 142.
- (8) Driveway access for Lot 19 is to be provided from the main feeder road. Lots 20- 21 and 26-27 are to have shared driveway access respectively and be positioned to minimise the loss and damage to existing trees in the 7(h) zone.
- (9) A 20m wide vegetated buffer shall be planted within all lots within the community scheme fronting the 6(a) Open Space zoned reserve (Hastings River). The species shall be outlined in the VMP and shall be approved by Council. The management of this buffer, and all land-owner responsibilities for this land's management shall also be outlined within the Community Management Statement for the rural residential estate. A Section 88B instrument shall be written to Council's satisfaction to protect the buffer.



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- (10) All existing Canary Island Date Palms shall be removed from the site prior to the release of a Subdivision Certificate for Stages 2-12. All replacement street tree plantings are to conform to Council's native street tree planting list. Details are to be specified in the final Landscape Plan to accompany the Construction Certificate for Stage 2, and detailed within the Vegetation Management Plan.

**E11 Community Buildings**

- (1) Separate approval under Part 4 of the *Environmental Planning and Assessment Act 1979* is to be obtained for the community facilities identified in the Environmental Assessment. The community building is required to be operational prior to release of stage 2 of the Project and all other facilities are to be operational prior to Stage 6.

**E12 Foreshore Access**

Public pedestrian access as required by Condition B1 is to be provided prior to the issue of a subdivision certificate for any stage of the project other than Stage A.

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## **PART F—DURING OCCUPATION**

### **Public Access**

#### ***F1 Public Way to be Unobstructed***

- (1) The public accessways must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

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## ADVISORY NOTES

### AN1 ***Compliance Certificate, Water Supply Authority Act, 2000***

- (1) Prior to issuing a Subdivision Certificate and in accordance with the *Water Supply Authority Act 2000*, 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.
- (2) The Proponent shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:
  - the certifying authority before release of the Construction Certificate;
  - the approval authority before the release of the Subdivision Certificate; and
  - the principal certifying authority prior to Occupation.

### AN2 ***Requirements of Public Authorities for Connection to Services***

The Proponent shall comply with the requirements of any public authorities (e.g. Country Energy, Telstra Australia, PMHC etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the Project. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Provision is to be additionally made for fibre optic cabling. 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.

### AN3 ***Stormwater drainage works or effluent systems***

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

- i. 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

- ii. 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.

### AN4 ***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.

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**AN5    *Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

- (1) 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.
- (2) 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.

**AN6    *Compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The Proponent is advised that future applications for development consent, complying development certificates or construction certificates on the site may be subject to *BASIX* requirements in accordance with the above policy. For further information refer to the *BASIX* website - [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

**AN7    *Compliance Certificate***

Submission of a Compliance Certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision Certificate. The copyright for all information supplied, shall be assigned to Council.

**AN8    *General Matters***

- (1) If there is a possibility of a future conversion to a full Torrens Title development, different standards will apply to water mains. Any water main and water service work expected to become Council assets at some time in the future are required to comply with Council's standards including AUSSPEC D11 and C401 and to the requirements of Council's Manager, Water Supply Services. Therefore whilst Community water main work is to at least comply with AS3500 and related standards, compliance with AUSSPEC is recommended. Private water service work within lots is to comply with AS3500 and related standards.
- (2) With regard to the query about the actual ownership of the existing internal water mains, Council confirms that the assets are private. Council is willing to enter into a private water service maintenance and meter reading agreement with the Community Management Committee.
- (3) The scheme is proposed to be developed in stages beyond the existing 84 lots and will eventually comprise approximately 142 lots. It would be beneficial to develop adopting only one level of management.

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This can be achieved by preparing the original plan with the required number of lots together with development lots, which comprise the residue of the proposed scheme.

These development lots may then be subdivided at the required time and provide the extension of the original access way. This is achieved by showing the extension as a lot in the plan. A notice of conversion would accompany lodgement of the plan. A replacement sheet of the plan would be required to define the full extent of the Association Property. Also a request is required to replace the sheet of the Management Statement showing the definition of the full extent of the access way.

- (4) Council will not accept any dedication of existing roads within the development as the road geometry and pavement does not conform with Council's AUSPEC design and construction Specifications. Council shall require before consideration of any possible future dedication the following:
  - undertake Geotechnical investigations to confirm the condition of internal road pavements within the development prior to undertaking any design works;
  - certified test reports from a NATA registered company submitted to Council of these investigation and the requirements to upgrade the pavement to meet present gradings and strength as specified in Council's AUSPEC SPECIFICATION C242 – Flexible Pavements;
  - undertake pavement rectification of the internal road pavements within the development as per the recommendations of the geotechnical investigation and recommendations and/or as directed by Port Macquarie-Hastings Council and certified by a practising chartered civil engineer or a suitably qualified consultant.
- (5) The Project will require the provision of an appropriately sized water meter with backflow prevention at the Sancrox Road frontage of the development site. Each individual lot is to be provided with a 20mm water service and if occupied, provided with a water meter. Responsibility for operation and maintenance of the internal pipe work and metering will rest with the community management board.
- (6) Fire service coverage in accordance with AS 2419 is to be provided to each building envelope except for the larger lots and lots with long access handles, where approval for the provision of alternative fire service arrangements (storage, hardstand, special fittings and pump etc.) acceptable to Council's Development and Environment Division and the RFS can be obtained.
- (7) Final water service sizings for the proposed development will need to be determined by a hydraulic consultant to suit the components of the development, as well as addressing fire service, backflow protection requirements and in addition, provide for the proposed total development, a water service strategy, detailing subdivision staging and the corresponding water service work necessary to support each stage. The strategy is to indicate any proposed rainwater reuse arrangements in conjunction with the need for stormwater detention and water quality control (where necessary). Should the rainwater harvesting system be connected to the reticulated water supply inflow rate shall not exceed five litres per minute and be with filling range limits determined from time to time by the Manager, Water Supply Services.

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## **SCHEDULE 3**

### **Statement of Commitments (source: Preferred Project Report)**





**Table 4.1 Revised Statement of Commitments**

Item	Commitment	Action	Timing
General	<p>1 The proponent will undertake the development in accordance with the commitments of this Preferred Project Report prepared by Hopkins Consultants dated February 2009 including:</p> <ol style="list-style-type: none"> <li>1. Subdivision Plans numbered Sheets 1-10 prepared by Hopkins Consultants, dated 14th October 2008, and provided in <b>Appendix C</b> to this report;</li> <li>2. The Landscape Principles Plan numbered Sheets 1-2 prepared by Rupert M Home, Landscape Architect dated 11<sup>th</sup> February 2009, and provided in <b>Appendix I</b> to this report;</li> <li>3. The draft Development Contract between the Community Association and Port Macquarie-Hastings Council, dated 19<sup>th</sup> February 2009, and provided in <b>Appendix D</b> to this report;</li> <li>4. This Preferred Project Report and Statement of Commitments as prepared by Hopkins Consultants and dated February 2009.</li> </ol>	Proponent	All stages
Statutory Requirements	<p>2 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, 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 Country Energy;</li> </ul>	Proponent	Stage 1 & ongoing

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>▪ Telstra Compliance Certificate; and</li> <li>▪ Water Compliance Certificate from Port Macquarie-Hastings Council under Section 307 of the Water Management Act 2000.</li> </ul>		
<b>Subdivision Design and Registration</b>	<b>3</b>	Staging of the subdivision is to occur in accordance with the Development Contract prepared by Hastings Business Lawyers dated February 2009, the Preferred Project Report prepared by Hopkins Consultants dated February 2009, and the Staging plans of subdivision reference No. 6096_6096-0011 sheets 9A--9B dated 14 <sup>th</sup> October 2008.	Proponent	All stages
	<b>4</b>	Prior to registration of each stage of the subdivision, the provision, upgrade and/or embellishment of utilities, infrastructure and other works relevant to each stage is to be undertaken in accordance with the Development Contract.	Proponent	All stages
	<b>5</b>	<p>Prior to registration of the subdivision, the proponent is to submit copies of the Development Contract and Community Management Scheme to Council for approval. The final Community Management Scheme is to address such items as:</p> <ul style="list-style-type: none"> <li>• Vegetation management</li> <li>• Property management</li> <li>• Weed management</li> <li>• Use of community property</li> <li>• Inappropriate land-use activity on private land</li> <li>• Management of the cluster system of effluent disposal</li> <li>• Management of the individual effluent treatment and disposal systems.</li> <li>• Maintenance of rights of carriage</li> <li>• Management responsibilities for any water retention/treatment systems</li> <li>• Maintenance of fire trails</li> <li>• Management of APZs</li> <li>• Animal husbandry and domestic pet management</li> <li>• Garbage and waste management</li> <li>• Architectural and fencing standards</li> <li>• Management of the communal recreation area</li> <li>• A management of private utilities and services</li> <li>• Community association insurances</li> </ul>	Proponent	Stage 1 & ongoing

Item	Commitment	Action	Timing
	<ul style="list-style-type: none"> <li>• Payment and management of community levies and</li> <li>• Any other items as directed by the determining authority</li> </ul>		
6	The final Development Contract and final Community Management Scheme are to have regard to all requirements and recommendations of this Statement of Commitments and as amended by the regulatory bodies' General Terms of Approval for the Project.	Proponent	Stage 1
Construction 7	<p>Prior to the commencement of works on the site, the proponent will submit to Council a Construction Management Plan for approval. The Plan is to address the following:</p> <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 requirements during construction and operation phase;</li> <li>• traffic management procedures</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> <li>• Any other matter as directed by the determining authority.</li> </ul>	Proponent	All stages
8	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
Soils and Water Cycle Management 9	Water quality control measures will be designed and installed in accordance with the principles of the Surface and Storm Water Management Plan contained in Sheet 6 of Appendix C, and as per the recommendations of Hopkins Consultants Pty Ltd. Detailed designs for these works are to be provided with the Construction Certificate relevant to each stage.	Proponent	Stage 1 & ongoing
Flooding 10	Filling works to be undertaken in accordance with PMHC's DCP 41 and associated	Proponent	Stage 1

Item		Commitment	Action	Timing
		best practice guidelines as per the principles of the intended filing plan in Sheet 5 of Appendix C.		& Stage 5
	11	To counter the potential impacts of flooding, all new dwellings within the estate are to be constructed with a minimum finished floor level 800mm above the level of the 1 in 100 year flood. This commitment is to be included in the architectural standards of the final Community Management Scheme to be prepared with the Subdivision Certificate for Stage 1.	Proponent PMHC	All stages
Riparian Zone Management and Rehabilitation	12	<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 be in accordance with the principles of the Landscape Concept Principles Plan prepared by Rupert M Home and the recommendations of the Ecological Assessment prepared by Keystone Ecological, and any other action recommended by relevant authorities. At a minimum, 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, with particular emphasis on Lantana and pasture grasses</li> <li>▪ Removal of grazing</li> <li>▪ Formal protection of existing bushland</li> <li>▪ Hollow-bearing trees identified and protected by tree protection zones</li> <li>▪ Maintenance of dams</li> <li>▪ Feral animal control</li> <li>▪ Provision of fauna-friendly fencing</li> <li>▪ Provision of nest boxes of a diversity of types and sizes</li> <li>▪ Monitor and maintain nest boxes</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>▪ Maintenance of asset protection zones in cleared areas</li> <li>▪ Fire fighting response plan in conjunction with local Rural Fire Service</li> <li>▪ Determine appropriate fire regime for each vegetation type</li> <li>▪ Exclude fire where required (e.g. Rainforest) or impose small ecological burns where appropriate</li> </ul>	Proponent	Stage 1 & ongoing

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>▪ Provision of formal paths to minimise trampling of understorey vegetation</li> <li>▪ Education of residents re impacts of inappropriate disposal of garden refuse</li> <li>▪ Education of residents re impacts of garden practices on adjacent bushland e.g. use of herbicides, species with potential to become weeds</li> <li>▪ Education of owners re need for control of domestic pets, particularly at night</li> <li>▪ Speed controls on internal roads</li> <li>▪ Weed incursions into adjacent bush land monitored</li> <li>▪ No point source delivery of stormwater runoff – use of water sensitive urban design principles such as diffuse water delivery</li> <li>▪ Siting of effluent disposal in open cleared areas distant from sensitive vegetation;</li> <li>▪ Monitor all actions on regular basis and report to Council</li> </ul>		
		The final Vegetation Management Plan is to be submitted to PMHC for approval prior to registration of Stage 1.		
<b>Flora and Fauna</b>	<b>13</b>	Driveways and other structures on the central ridge (lots 24-34) are to avoid conflict with the tree protection zones of the hollow-bearing trees. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1
	<b>14</b>	Nest boxes of various sizes suitable for birds, bats and arboreal mammals are to be placed in retained trees across the site to compensate for the future loss of hollows when mature trees senesce and die. These nest boxes are to be erected gradually over time and should at least equal the number of hollow-bearing trees currently on site. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1 & ongoing
	<b>15</b>	The on-site effluent disposal systems for the new dwellings will be located as far as possible away from the sensitive down slope vegetation, providing the maximum buffer of grassed or otherwise landscaped / vegetated lands. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	<b>16</b>	Asset Protection Zones are to be excluded from the Swamp Oak Floodplain Forest, Rainforest or Freshwater Wetland vegetation as per the principles of the Bushfire Hazard Assessment. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	<b>17</b>	Widespread grazing by hard-hoofed animals is to be prohibited from foreshore	Proponent	All stages

Item	Commitment	Action	Timing
	reserves and 7(a) zoned areas within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.		
18	Weed management strategies are to be implemented across the site, but particularly in the Rainforest and Swamp Oak Floodplain Forest. Details to be included in the Vegetation Management Plan.	Proponent	All stages
19	Plant species used in landscaping of the development area should preferentially be of locally-native species from local provenance material. Details to be included in the Vegetation Management Plan.	Proponent	All stages
20	Any plantings required as part of the weed management control should also be of local provenance material only. Details to be included in the Vegetation Management Plan.	Proponent	All stages
21	Approaches should be made to the local Rural Lands Protection authority regarding feral animal control strategies that target the feral deer that occur in this area. Details are to be included in the Vegetation Management Plan.	Proponent	Stage 1
22	Firewood collection is to be prohibited within the 7(h) zones within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.	Proponent	Stage 1
23	The formal crossing over Haydons Creek is to be constructed within the existing clearing. This crossing's design is to be in accordance with the requirements under the Water Management Act (2000) and Regulations (2008). Details to be included in the Construction Certificate and Vegetation Management Plan.	Proponent	Stage 8
Aboriginal and Cultural Heritage	24 During the course of construction work, if suspected Aboriginal cultural heritage material is encountered, work should cease immediately. The NSW Department of Environment and Climate Change (DECC) and Birpai LALC and Bunyah LALC should then be notified. Works should only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.	Proponent	All stages
25	In the event that skeletal remains are uncovered whilst construction operations are underway, work is to stop immediately and the NSW Coroner's Office and NSW Police contacted. If deemed to be of Aboriginal origin, Birpai LALC and Bunyah LALC and the DECC are to be contacted.	Proponent	All stages
26	If, during the course of clearing work, significant European cultural heritage	Proponent	All stages

Item	Commitment	Action	Timing
	material exceeding 50 years in age is uncovered, work is to cease immediately. The NSW Heritage Office should be notified and works only recommence when an appropriate and approved management strategy instigated.		
<b>Wastewater Management</b>			
27	All necessary wastewater treatment systems are to be established as per the recommendations of the Effluent Disposal Assessment prepared by Coffey Geotechnics dated 8 November 2007	Proponent	All stages
28	All wastewater disposal areas are to be fully bunded and have drainage works installed upslope as per Hastings Council's On-Site Sewage Management Code.	Proponent	All stages
29	Construction of the systems is to comply with Appendix 4.5 of AS/NZS 1547:2000. Wet weather storage is to comply with local government Regulations.	Proponent	All stages
30	The proposed cluster system servicing Lots 45-49 is to be established by the Community Association in Stage 1 of the subdivision and as per the Development Contract. This facility is to be undertaken as per the concept specifications prepared by Coffey Geotechnics dated November 2007.	Proponent	Stage 1
<b>Bushfire Hazard Management</b>			
31	The Landscaping Principles detailed in Section 3.5 of the Bushfire Hazard Assessment prepared by Mid Coast Environment and dated March 2008 are to be implemented as relevant to each stage of the subdivision.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
32	The Bushfire Risk Management Plan prepared by Mid Coast Environmental is to be implemented with the proposed subdivision and any proposed dwellings on the new allotments on the site. Details are to be included in the final Community Management Scheme.		Stages 1, 2, 3, 5, 6, 7, & 8
33	Assessments in relation to Asset Protection Zones are to be adopted with the construction of any dwellings on the proposed new lots.		Stages 1, 2, 3, 5, 6, 7, & 8
34	Fire trails should be provided between areas of bushfire hazard vegetation and the potential building envelopes of the proposed lots in accordance with the Bushfire Hazard Assessment prepared by Mid Coast Environmental and as per Sheets 7A-7C in the approved plans of subdivision.		Stages 1, 2, 3, 5, 6, 7, & 8
35	The ongoing maintenance of the fire trails is to be a requirement imposed upon the owners of the rural residential lots via the Community Management Scheme.		Stages 1, 2, 3, 5, 6,

Item	Commitment	Action	Timing
36	The design and construction of the internal roads and fire trails are to comply with the acceptable solutions provided for in section 4.1.3 of NSW Rural Fire Services, Planning for Bushfire Protection, 2006.		7, & 8 Stages 1, 2, 3, 5, 6, 7, & 8
37	Water and other services are to be provided to the proposed lots in accordance with the requirements detailed in section 3.4 of the Bushfire Hazard Assessment prepared by Mid Coast Environmental.		Stages 1, 2, 3, 5, 6, 7, & 8
38	The Community Management Scheme is to incorporate provisions for the areas of the proposed subdivision nominated as private recreation areas. The community management scheme is to provide for the ongoing management of these areas as bushfire hazard vegetation free areas.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
Traffic and Access	39 The proponent is to undertake the upgrading of the intersection of the entry road and Sancroix Road to the standard of a "Rural Type AUR" intersection. Detailed design will be undertaken with the Construction Certificate for Stage 1.	Proponent	Stage 1
40	The proponent is to undertake Geotechnical investigations to confirm the condition of pavements within the existing Sancroix Road intersection footprint prior to the undertaking of any intersection upgrade works.	Proponent	Stage 1
41	If so required, the proponent is to undertake pavement rectification of the Sancroix Road intersection footprint as per the recommendations of the geotechnical investigation and recommendations or as directed by Port Macquarie-Hastings Council in their general terms of approval.	Proponent	Stage 1
Public Services and Infrastructure	42 The following infrastructure is to be provided for all lots in the subdivision: <ul style="list-style-type: none"> <li>Electricity reticulation to each residential lot to the satisfaction of Country 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.</li> </ul> Staging and timing of infrastructure provision is to be established in the final Development Contract to be approved by Port Macquarie-Hastings Council.	Proponent	All stages
Developer Contributions	43 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:	Proponent	All stages



Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>▪ Roads</li> <li>▪ Open Space</li> <li>▪ Community Services</li> <li>▪ Bushfire</li> <li>▪ Administration Building</li> <li>▪ Administration Levy</li> </ul>		
		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.		
	<b>44</b>	<p>Section 64 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>▪ Water supply</li> </ul>	Proponent	All stages
		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.		
	<b>45</b>	A Controlled Activity Approval (CAA) under the Water Management Act 2000 is to be obtained from the Department of Water and Energy (DWE) prior to undertaking certain works in, on or under waterfront land.	Proponent	All stages
	<b>DWE General Terms of Approval *</b>			
	* Department of Water and Energy advice dated 16 <sup>th</sup> June 2008			
	<b>46</b>	<p>The consent holder must prepare:</p> <ul style="list-style-type: none"> <li>▪ Site plan, map and/or surveys,</li> <li>▪ Structural design and specifications</li> <li>▪ A Vegetation Management Plan,</li> <li>▪ Works Schedule,</li> </ul>	Proponent	All stages

Item	Commitment	Action	Timing
	<ul style="list-style-type: none"> <li>▪ Erosion and Sediment Control Plan</li> <li>▪ Soil and Water Management Plan,</li> <li>▪ Rehabilitation Plan and</li> <li>▪ Amendments to Plans</li> </ul>		
47	<p>These plans must be prepared by a suitably qualified person and submitted for approval by the Department of Water and Energy prior to any controlled activity commencing.</p> <ul style="list-style-type: none"> <li>▪ Vegetation Management Plans</li> <li>▪ Laying pipes and cables in watercourses</li> <li>▪ Riparian Corridors</li> <li>▪ In-stream works</li> <li>▪ Outlet structures</li> <li>▪ Watercourse crossing</li> </ul>	Proponent	All stages
	The plans are to be prepared in accordance with Department of Water and Energy guidelines.		
48	<p>The consent holder must:</p> <ul style="list-style-type: none"> <li>• Carry out any controlled activity in accordance with approved plans</li> <li>• Construct and/or implement and controlled activity by, or under the direct supervision of, a suitably qualifies professional, and</li> <li>• When required provide a certificate of completion to the Department of Water and Energy.</li> </ul>	Proponent	All stages
49	The consent holder must carry out a maintenance period of 3 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
50	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.	Proponent	All stages
51	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of work, rehabilitation and maintenance and report to the	Proponent	All stages

Item	Commitment	Action	Timing
	Department of Water and Energy as required.		
52	Subject to reasonable notice, the consent holder will allow authorised officers of the Department access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the CAA.	Proponent	All stages
53	The consent holder must ensure that any bridge, causeway or crossing does not result in erosion, obstruction of flow or destabilisation, damage to the bed or banks of a river or waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
54	The consent holder must design or commission the design of any crossing over waterfront land and riparian corridors in accordance with the Department of Water and Energy Guidelines for watercourse crossings.	Proponent	All stages
55	The consent holder must ensure that culverts/crossings do not obstruct water flow and direction and must be the same width as the river or sufficiently wide to maintain lake/river circulation, with no water level difference between the two sides of the structure unless otherwise approved by the Department.	Proponent	All stages
56	The consent holder must prepare design construction details for any drainage structures/storm water culverts to discharge into the Haydons Creek area and submit to the Department for approval prior to the issuing of a CAA. Culverts shall be designed by a suitably qualified person in accordance with the Departments guidelines.	Proponent	All stages
57	The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
58	The consent holder is to ensure that all drainage works capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy and do not obstruct flow of water in the river unless given written approval by the Department of Water and Energy.	Proponent	All stages
59	The consent holder must ensure that drain discharge points are stabilised to prevent erosion in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
60	The consent holder must ensure that all erosion and sediment control works and	Proponent	All stages

Item	Commitment	Action	Timing
	water diversion structures are established in accordance with a plan approved by the Department of Water and Energy. All measure shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.		
61	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
62	An Excavation must not result in diversion Haydons Creek, bank instability or damage to native vegetation unless approved by the Department of Water and Energy.	Proponent	All stages
63	Riparian zones are to function as ecological systems and as such, all works, Asset Protection Zones, access routes, roads, recreation areas, service easements and any other non-ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by DWE, prior to the issue of a CAA.	Proponent	All stages