

Appendix A

Conditions of Consent

Compliance with Conditions

1. The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the Environmental Planning and Assessment Act 1979 (as amended) are achieved:
 - (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land,
 - (iii) The protection, provision, and co-ordination of communication and utility services,
 - (iv) The provision of land for public purposes,
 - (v) The provision and co-ordination of community services and facilities, and
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats, and
 - (vii) Ecologically Sustainable Development, and
 - (viii) The provision and maintenance of affordable housing,
 - (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
 - (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

2. The approval comprises the application, the plans, the documents set out in the paragraph below and the conditions of consent. The proposed development may only proceed in accordance with these documents.

(a) Plans Reference:

Drawing No	Issue	Name of Plan	Date
180062-23-DA-003-F-C3D	D	Subdivision Layout Plan (<i>AdW Johnson Pty Ltd</i>)	4-6-2010
180062-23-DA-003-F-C3D	D	Subdivision Layout Plan with Tree Layer (<i>AdW Johnson Pty Ltd</i>)	4-6-2010
180062-23-ENV001-E to 180062-23-ENV060-E	E	Site Analysis and Development Envelope Plans (for each lot) (<i>AdW Johnson Pty Ltd</i>)	22-6-2010
180062(23)CENG-001-004 180062(23)CENG-101-112 180062(23)CENG-201-202 180062(23)CENG-210-211	A A A A	Concept Engineering Plans (<i>AdW Johnson Pty Ltd</i>)	14-5-2010
MP-SD-04	C	Concept Layout & Landscape Principles Plan (<i>Arterra Design Pty Ltd</i>)	12-5-2010
MP-SD-06	B	Foreshore Reserve Plan (<i>Arterra Design Pty Ltd</i>)	21-8-2009
LS-SD-01 (A-D) LS-SD-02 - 05	B	Public Domain Landscaping (<i>Arterra Design Pty Ltd</i>), as modified by plans above and excluding Plan LS-SD-06 (habitat area)	21-8-2009

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	-	AdW Johnson Pty Ltd	Aug 2009
Appendix J – Statement of Landscape Intent	-	Arterra Design Pty Ltd	12-9-2009
Appendix K – Integrated Ecological Report	9048F	Travers Bushfire & Ecology	25-8-2009
Appendix L – Visual Integration Report	Rev B	Civic Matters	24-8-2009
Appendix M – Physical Infrastructure Report	-	AdW Johnson Pty Ltd	21-8-2009
Appendix N – Integrated Bushfire Protection Assessment	9048B	Travers Bushfire & Ecology	25-8-2009
Appendix Q – Geotechnical Soils Investigation	N07634/07-AB	Coffey	17-11-2003
As modified by:			
Correspondence	-	AdW Johnson Pty Ltd	17-5-2010
Ecological Review Letter and Revised 7 Part Test	-	John Young Wildlife & nghenvironmental	10-5-2010
Bushfire Review Letter	A10054:JT/NvD	Travers Bushfire & Ecology	13-5-2010
As modified by:			
Correspondence	-	AdW Johnson Pty Ltd	25-6-2010

(c) Supporting Document Reference

Document	Reference	Author	Date
Murrays Beach Design Essentials	-	Stockland	-
Fuel Management Plan	9048FMP	Travers Bushfire & Ecology	25-8-2009
Public Domain Technical Manual – Lake Sector	-	EDAW + Civic Matters	17-1-2005
Bushland Management Manual	04046	Manidis Roberts	14-1-2005
Vertebrate Control Program Report	-	-	Nov 2004
Aboriginal Cultural Heritage Assessment	-	Navin Officer	July 1999

The Development consent is for the proposed development as it is presented in all of the above listed documents, and as amended by the following conditions of consent.

Concurrence and Referral Authority General Terms of Approval

3. Office of Water under the Water Management Act 2000

The Applicant shall comply with the approval granted by the Department of Environment, Climate Change and Water (Office of Water) as detailed below:

NSW Office of Water

The following are General Terms of Approval, as advised by NSW Office of Water, for works requiring a Controlled Activity Approval under the Water Management Act 2000:

Plans, standards and guidelines

- These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA/1297/2009 and provided by Council (letter dated 17 May 2010) to the NSW Office of Water:

Plan "General Arrangement" sheets 1-2 (project 80062(23) numbers 101-102) prepared by ADW Johnson dated 14 May 2010.

Any amendments or modification to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are

amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the lake identified.
- The consent holder must prepare or commission the preparation of:
 - (i) Vegetation Management Plan
 - (ii) Works Schedule
 - (iii) Erosion and Sediment Control Plan
 - (iv) Stormwater Management Plan
- All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.water.nsw.gov.au/water_trade/rights_controlled.shtml
 - (i) Vegetation Management Plans
 - (ii) Laying pipes and cables in watercourses
 - (iii) Riparian Corridors
 - (iv) In-stream works
 - (v) Outlet structures
 - (vi) Watercourse crossings
- The consent holder must:
 - (i) Carry out any controlled activity in accordance with approved plans and
 - (ii) Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - (iii) When required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

- The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- 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 NSW Office of Water.

Reporting requirements

- The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security Deposits

- The consent holder may be required to provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.

Access-ways

- The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the lake or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

Bridge, causeway, culverts and crossing

- The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the lake or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.

Culvert

- The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash in the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and Stormwater

- The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water,
- The consent holder stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion Control

- The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

- The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- The consent holder must ensure that any excavation does not result in (i) diversion of any lake (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

Maintaining river

- The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

4. Mine Subsidence Board under the Mine Subsidence Act 1995

The Mine Subsidence Board has granted its approval for this subdivision subject to:

- a) the number, size and boundaries of the lots being substantially as shown on the approved plan; and
- a) notification being made to the Board of any changes to lot numbering and of the registered DP number.

The Mine Subsidence Board's approval is required for the erection of all improvements.

The Mine subsidence Board has not placed any restriction on the erection of improvements on this land, but plans need to be approved prior to commencement of construction.

Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joins in brickwork to comply with the requirements of the Building Code of Australia and best building practices.

This approval is valid for two (2) years from 27 May 2010.

5. NSW Rural Fire Service

The Applicant shall comply with the following conditions as issued by the Rural Fire Service under S91 of the Environmental Planning and Assessment Act 1979.

This response is deemed a bush fire safety authority as required under section 100B of the *Rural Fires Act 1997* and is issued subject to the following conditions.

This assessment is based upon an assessment of the plans and documentation including amendments, received for the proposal. All recommendations contained within the Bushfire Protection Assessment Report prepared by Travers Bushfire & Ecology, ref. 9048B, August 2009, and revised lot layout dated 13 May 2010, shall be complied with except where modified below.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

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

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- All provisions for public access roads, other than where modified by below shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- Roads shall consist of a minimum carriageway width of 5 metres kerb to kerb together with 0.5 metre wide shoulders on both sides capable of supporting fire fighting vehicles (approximately 15 tonnes).
- Parking is to be provided within parking bays located outside the kerb to kerb space and services are to be located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- Parking bays shall be a minimum of 2.6 metres wide.

Landscaping

- Landscaping within the individual lots shall comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.
- No brushwood fencing shall be used.

Construction Management

6. Construction works in accordance with this development consent shall not commence until:
 - a) Detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a Construction Certificate prepared by:
 - (i) Council, or
 - (ii) an accredited certifier registered by the NSW Building Professionals Board for the relevant class of work.
 - b) The person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment.
 - c) The person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.
7. A comprehensive Construction Management Plan (CMP) shall be prepared and submitted to Council for approval prior to the issuing of construction certificates. The CMP is to specifically address the requirements of the North Wallarah Peninsular Master Plan – Physical Infrastructure and the following:
 - Safety training and awareness plan.
 - Site Emergency Response Plan.
 - Erosion and sediment control plan.
 - Water quality.
 - Construction traffic.
 - Ecological conservation (vegetation and fauna protection; monitoring; relocation; retention).
 - Hazardous materials.

- Aboriginal heritage (protection of existing values and any future discoveries).
 - Noise (dBA limit; monitoring; mitigation procedures; construction hours).
 - Air quality.
 - Soil contamination.
 - Waste.
 - An environmental risk analysis that:
 - Identifies hazards and risks;
 - Assists in the selection of control measures that reduce the risk associated with these hazards to levels as low as can be reasonably achieved; and
 - Documents a regime for audits, inspections, monitoring and reporting of the construction activities.
8. All staff, contractors and subcontractors on site are to be made aware of the approved CMP and be trained in the specific responsibilities and work instructions relating to their day to day tasks. The CMP shall include:
- (a) site induction procedures; and
 - (b) training program with provision for refresher courses.

Soil and Erosion Management

9. Erosion and sediment control measures that are consistent with the approved North Wallarah Masterplan and "Managing Urban Stormwater" – 3rd Edition (1998) prepared by the NSW Department of Housing are to be submitted to Council for approval prior to the issue of the construction certificates. Plans and calculations for such erosion controls shall be submitted prior to the issue of a construction certificate and the works shall be completed as part of the initial construction work. The Principal Certifying Authority may approve minor additional works during construction works.

Sediment and erosion control works shall be carried out in accordance with the approved Plan and no work shall commence until the erosion and sediment control works specified in the Plan are in place and the Principal Certifying Authority has approved them.

10. The Applicant shall revegetate or provide other approved erosion control measures on areas of the site disturbed by works so as to prevent erosion. All disturbed areas shall be revegetated or otherwise protected as soon as practicable, and no later than the times indicated in "Managing Urban Stormwater" – 3rd Edition (1998) prepared by the NSW Department of Housing. Plant species to be used are generally to be endemic to the North Wallarah Peninsula. However, non endemic non-invasive annual species may be included in the grass mix to provide an initial cover crop. Kikuyu grass shall not be used anywhere within the development area.
11. The Applicant shall arrange for a detailed record of the erosion and sediment controls on the site to be maintained during construction works. The record shall be updated on a daily basis and shall contain details on the conditions of the controls and all maintenance and cleaning undertaken. The record must be available for inspection by the Principal Certifying Authority during normal working hours.
12. The Applicant shall supply and erect Council's standard Erosion Control Sign as detailed in Standard Drawing No. 3403/1. The sign shall be erected in a prominent location near the entrance to the development area prior to the commencement of earthworks.

Stormwater Management

13. A comprehensive water quality monitoring program shall be developed for the site in accordance with the requirements of the North Wallarah Masterplan – Physical Infrastructure and as generally set out in Appendix M of the Statement of Environmental Effects.

The monitoring program shall be submitted to Council for approval prior to the approval of any Construction Certificate.

14. The Applicant shall design and construct permanent Stormwater Quality Facilities generally in accordance with the design and plans prepared by ADW Johnson Pty Ltd.

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted for approval prior to the issue of a Construction Certificate. The plan shall also include details of the extent and location of fencing (Council may be contacted for a copy of the standard detail for fencing), provide details of maintenance access and details of landscaping and species for the facility and their surrounds.

The applicant shall include a "Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Treatment Framework & Stormwater Quality Improvement Device Guidelines".

15. The Applicant shall show by calculations and plans that all lots are clear of the 1:100 year flood level. This condition shall also apply to lots, which would be affected by substantial overland flow, which may necessitate the carrying out of works to ensure properly drained and flood free conditions.

The Applicant shall supply the above calculations and plans showing the limit of the 1:100 year flood prior to the issue of a **Construction Certificate**.

Note: Lots that are not 500mm clear of the 1:100 year flood level will be subject to floor height control.

16. The Applicant, when preparing Engineering plans for the development, shall identify any lots that do not drain directly to Council's stormwater drainage systems. For these lots the Registered Proprietor of the land shall arrange for the provision of interallotment drainage pipelines and associated easements to drain water 2 metres wide favouring the allotments served. All stormwater shall be disposed of to either an existing formed Council drainage system, a natural watercourse or to Council's satisfaction. Council is to be the party empowered to release, vary or modify the easement.
17. The Applicant shall arrange for the design and construction of stormwater drainage works in accordance with the requirements of the publications and standards identified in this consent.

No works shall commence on site prior to the issue of a **Construction Certificate** and all works shall be completed prior to the issue of a **Subdivision Certificate**.

18. The applicant shall prepare a community education program aimed at raising awareness of the environmental and ecological values of the site with a particular focus for property owners adjoining riparian zones and the Lake. The program shall be submitted to Council for approval, prior to the issue of the Subdivision Certificate. The education program will subsequently be provided to purchasers of the lots.

Utilities and Services

19. The Applicant shall service all lots in the subdivision with water, sewer, underground electricity and underground telephone facilities to the requirements of and by arrangements with the relevant supply authorities and company. The applicant shall liaise with AGL in relation to the future reticulation of gas in the subdivision.

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of a **Subdivision Certificate**.

20. The Applicant shall ensure that all public utility service pipes, mains and conduits are laid and/or installed in all new roads and existing roads, where work is required in existing roads, as part of the construction and drainage works associated with the Subdivision.

The Applicant shall also install conduits to cater for the installation of natural gas services to each proposed lot in conjunction with road and drainage works.

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of a **Subdivision Certificate**.

21. The Applicant shall submit to the Principal Certifying Authority a utilities layout plan showing the location of mains, associated installations and service conduits prior to the issue of a **Subdivision Certificate**.
22. During construction of underground service trenches an Arborist shall supervise any tree root removal that may be required. All recommendations of the arborist shall be implemented.

Roads and Traffic

23. The Applicant shall arrange for all relevant works to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) Australian Rainfall and Runoff, 1987.
- b) AUSTRROADS Guide To Traffic Engineering Practice.
- c) DCP 1 (Volumes 1 and 2) and supporting guidelines.
- d) Roads and Traffic Authority Road Design Guide.
- e) Roads and Traffic Authority Interim Guide To Signs and Markings.
- f) Managing Urban Stormwater documents (2004).by Landcom.
- g) The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

24. The Applicant shall arrange, at the time of registration of the Final Plan of Subdivision, for the dedication of the proposed new roads to the public at no cost to Council.

All public roads that are to be dedicated shall be fully constructed in accordance with the standards identified in this consent.

25. The Applicant shall upgrade the intersection of Lake Point Road, Grey Gum Trail and the proposed new road to define the priority traffic path and provide the correct intersection alignment.

- No works shall commence on site prior to the issue of a **Construction Certificate**.
26. Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTRROADS 1998. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed.
 27. Written notification shall be given by the Applicant to landowners and residents who live adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.
 28. The Applicant shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.
 29. The Applicant shall make good any damage or injury caused to a public road or associated structures including drains and kerb and gutter, caused as a consequence of the works.
 30. Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

The PCA may require up to seven days notice in writing prior to such meeting taking place.
The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.
 31. A copy of the Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge shall be supplied to the Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.
 32. The Applicant shall provide street lighting for the development to the satisfaction of Energy Australia and in accordance with the road classification. The road classification shall be determined by Council and Energy Australia.

The street lighting provided shall include any necessary upgrading of the lighting of the intersection of any new roads with existing roads.
 33. The Applicant shall supply and erect new street name signs in accordance with the requirements of Council's standard design requirements.
 34. Proposed new road names shall be submitted to Council and approved prior to the issue of a **Construction Certificate**.

Note that Council cannot release the **Subdivision Certificate** unless the proposed public roads have been named in accordance with clause 162 of the Roads Act

1993. The Roads Act requires that the Geographical Names Board be given at least one month's notice of the proposed name(s).
35. The Applicant shall submit a statement from a Registered Surveyor verifying that the works did not interfere with any survey control marks OR the Applicant shall submit verification that the Survey Control Branch of the Department of Lands has been advised of any marks which will be destroyed and an undertaking that the requirements of the Survey Control Branch will be complied with.
36. Where cycle/pedestrian paths are to be constructed on land owned by Council or that will be dedicated to Council, the path shall be constructed in concrete in accordance with the standards identified in this consent. In the vicinity of Lots 1425 to 1437 where the pathway cannot be constructed to meet the requirements for disabled access, signs shall be erected to advise the public.

Noise

37. All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00am and 3.30pm Monday to Friday (excluding any Public Holiday).

Noise Level Restrictions

- (i) Construction period of 4 weeks and under:-
The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).
- (ii) Construction period greater than 4 weeks:-
The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

Geotechnical

38. The Applicant shall comply with the recommendations of the Geotechnical Report No. N07634/07-AB prepared by Coffey Geosciences Pty Ltd and dated 17 November 2003. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants.

All engineering plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (ie not photocopies). The endorsement shall state that the proposed works are in accordance with the recommendations of the Geotechnical Report, prior to the issue of a **Construction Certificate**.

39. The Applicant shall arrange for all fill to be placed in accordance with the standards specified in Table 5.1 of AS3798 1990 "Guidelines on Earthworks for Commercial and Residential Developments".

Prior to the issue of the Subdivision Certificate, the Applicant shall submit a report from a suitably experienced Geotechnical Testing Authority confirming that all filling complies with the above minimum standard. The inspection and testing shall be at the responsibility level set out below, as defined in Appendix B of AS 3798-1990.

Fill Area	Responsibility Level
Water retaining embankments	1
Road embankments (greater than 2m high)	1
Road embankments (less than 2m high)	2*
Residential allotments	1
Industrial/Commercial allotments	1

* Level 1 may be used if desired by the applicant.

40. The Application shall arrange for a suitably experienced Geotechnical Consultant to determine the site classification of each proposed lot in accordance with AS 2870-1996. The site classifications shall be provided to Council prior to the issue of the Subdivision Certificate.

Ecological and Bushland Management

41. Trees and other vegetation may only be removed from the site of road, drainage, bushfire mitigation, regrading works and as shown on the Site Analysis and Development Envelope Plans and as approved in the Construction Certificate. An application shall be made to Council for the removal of any other trees. Trees are to be removed outside of the Masked Owl Breeding period of between March and September or as otherwise agreed by Council.

42. All reasonable measures shall be undertaken to protect all other vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:-
- clearly marking trees to remain;
 - avoiding compaction of ground around trees to remain;
 - clearly delineating the area of disturbance, and keeping all vehicles, construction materials and refuse within that area;
 - limiting the number of access points;
 - lay-down areas are to be located within road corridors or other cleared areas identified in the CMP;
 - activities that result in high soil compaction shall not be carried out within the vicinity of vegetation to be retained;
 - vegetation to be retained is to be clearly marked and signposted to ensure that it is not removed or damaged.
 - A perimeter fence shall be provided around the Masked Owl buffer areas during construction.
43. The applicant shall engage a qualified ecologist to supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.
- Removal of trees with habitat hollows shall be undertaken outside of the Masked Owl breeding period of between March and September, to minimise impact to threatened species that could breed and or hibernate within hollows on site. Any hollow-bearing trees shall be felled in one (1) to two (2) metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.
44. Trees and shrubs which are felled shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps shall be disposed of in an approved manner.
45. No mowing of native ground cover is to occur on the site, except as required by the RFS for the purpose of fuel management.
46. All weeds are to be removed from the development site and disturbed areas revegetated with locally indigenous plants.

47. Only mulch generated on site that consists of indigenous plant matter, free of weeds, may be used in landscaping and revegetation activities associated with the proposed works.
48. Machinery used in the removal and management of weeds is to be cleaned and have any weed "off cuts" removed before entering and leaving the site in accordance with provisions to be contained in the CMP.
49. The applicant shall arrange for a qualified arborist to inspect and determine the health and stability of all the trees that are located in the public road reserves and adjacent to proposed public pathways. Any trees found to present a risk of failure should be pruned or removed (as appropriate), prior to the dedication of the land to Council. The risk assessment should be undertaken in accordance with Council's Policy – Management of Trees on Roads and Reserves. A report should be submitted with the results of the risk assessments on individual trees and details of proposed works for Council's approval, prior to commencing tree works.
50. The applicant shall provide to each prospective purchaser in the subdivision, a brochure identifying that it is the property owner's responsibility to maintain their footpath frontage and that this work will not be undertaken by Council. The brochure will contain details of the appropriate maintenance practices to be undertaken on the footpath.
51. The applicant shall engage an owl expert, as agreed by Council, to prepare and implement a Masked Owl Management Plan. The Plan is to be generally in accordance with the recommendations set out in the letter from John Young Wildlife Enterprises Pty Ltd dated 10 May 2010 as well as advice from Dr Rod Kavanagh dated 11 January 2010 and 4 March 2010. The Plan shall include, amongst other requirements:
 - management measures to protect the nest and roost tree within Stage 14 as identified by John Young and ngenvironmental (10 May 2010), and the associated buffer areas, such as consideration for the need for bollards or fencing to prevent car parking in the buffer zones;
 - a monitoring program that is to be completed by the agreed owl expert;
 - As a minimum, monitoring shall be for three nights per month between April and August for five years. Following construction of dwellings on 60% of Lots 1401 to 1411 inclusive, 1417, 1446 to 1449 inclusive, 1459 and 1460, monitoring shall be undertaken three nights per month between April and May for a further five years, or as otherwise agreed by Council. Monitoring is to involve stag watching of the nest and roost tree within Stage 14, as well as alternate trees within the Wallarah Peninsula should the pair relocate. Monitoring should identify whether the Masked

Owl pair has produced offspring each year. Annual monitoring for that year may cease as soon as it has been confirmed that the young have been fledged or the breeding cycle has ceased.. If the masked owl is not observed in any one year, then as a minimum monitoring must have involved stag watching of the Stage 14 nest and roost trees, as well as the alternate nest and roost trees identified in Figure 1 – Masked Owl Alternative Nest/Roost Trees and Additional Masked Owl Observations (ngh environmental May 2010). The minimum monitoring shall be for three mornings and three evenings (at dawn and dusk respectively) per month between April and August.. Note: Owl call play back is not to be used during monitoring and spotlighting kept to a minimum to avoid disruption to the masked owl breeding cycle;

- Annual reports are to be provided to Councils Flora and Fauna Development Planner reporting on monitoring outcomes. The reports are to be consistent with the DECCW threatened species assessment guidelines, including a detailed methodology, results, discussion, conclusion and field sheets. The stage of construction and occupation of dwellings should be identified in each report as well as recommendations about ongoing maintenance of nest trees and buffers.
- Following completion of the monitoring program the owl expert is to provide a final report to Council including all data, for the whole monitoring period. The owl expert shall also seek to publish outcomes of the monitoring program in an Australian ecological journal, as agreed by Council;
- A completed survey of threatened owls within the Stockland landholdings at North Wallarah Peninsula to confirm the location of all threatened owl nest sites in this area. The survey should be completed within two years of this consent and locations of all confirmed threatened owl nest sites provided to Council. The intent of this condition is to ensure that there is a sound understanding of how adjoining habitat is being used by large forest owls so that, should the masked owl pair relocate, there is sufficient information available to minimise further cumulative impact.

The Management Plan shall be submitted to Council for approval prior to the issue of any Construction Certificates and all works shall be undertaken in accordance with the Management Plan. The Management Plan shall identify who is responsible for undertaking all actions identified in the Plan. If the Plan identifies any actions to be undertaken by the Community Association, the Community Management Statement shall be amended to include this responsibility. The approved owl expert shall implement the Masked Owl Monitoring Program.

52. The applicant shall not undertake any civil construction works or land clearing within 60 metres of the Masked Owl nest tree (tree No. 6171) during the owl breeding season of March to the end of September.
53. As a part of the Masked Owl Management Plan the applicant shall arrange for the monitoring and management of the Masked Owl roost tree (tree No. 5550) by a suitably qualified arborist. The management practices adopted should aim to prolong the useful life of the tree while ensuring public safety. Any remedial works on the tree, including remedial pruning, shall not be undertaken unless approved by the owl expert, who specialises in large forest owls.
54. The applicant shall prepare a Termite Management Plan for the site. The Plan should aim to manage termites so that the life of habitat trees within the development is prolonged. The Plan should be approved by Council prior to the issue of any Construction Certificates. The Management Plan shall identify who is responsible for undertaking all actions identified in the Plan.

Bushfire Management

55. The Applicant shall comply with the requirements of the Bushfire Safety Authority from the Rural Fire Service.

Landscape and Visual

56. The Applicant shall undertake landscaping works, within the development site and the public reserve between the development and the Lake, in accordance with the Landscape Report and Plans prepared by Arterra Design Pty Ltd. The design shall be amended to incorporate any requirements identified in the Masked Owl Management Plan.

No planting shall take place prior to the approval of the final landscaping plan by a **Construction Certificate**.

All street trees to be planted shall be at least of a 75 – 100 litre pot size. Correspondence shall be provided from a recognised landscaping professional, that indicates that the landscaping works have been completed in accordance with the approved plan, prior to the issue of a **Subdivision Certificate**. All landscaping works shall be maintained for a period of twelve months.

The Applicant shall lodge a cash bond or Bank Guarantee with the Council for the sum of **\$10,000.00** per stage. The monies will be released 12 months after planting when Council is satisfied that the landscaping has established.

Heritage and Archaeology

57. If Aboriginal relics are identified during construction, all works in the vicinity of the find are to immediately cease. The Department of Environment, Climate Change and Water shall be notified of the find and all relevant approvals shall be obtained from DECCW prior to the resumption of works.

Submission for Subdivision Certificate

There are requirements which must be satisfied before the Principal Certifying Authority may issue the Subdivision Certificate pursuant to Section 109J of the Environmental Planning & Assessment Act 1979 in respect of a subdivision.

58. The Applicant shall submit the Final Community Scheme to Council.

This Final Scheme is to include Location Diagram, Detail Plan, Community Property Plan, Management Statement and ten (10) copies of the Final Community Plan of Subdivision.
When all conditions of the Development Consent relating to this subdivision have been satisfactorily complied with the **Subdivision Certificate** will be issued.
59. The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council is to be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.
60. The Applicant shall obtain and submit a **Compliance Certificate/s** to certify that all construction works and associated development have been constructed in accordance with this Development Consent, the **Construction Certificate** and all other standards specified in this consent.
61. Prior to the issue of a Subdivision Certificate, a certificate of compliance under **Section 50** of the **Hunter Water Act 1991** for this development shall be submitted to the Principal Certifying Authority.

Advice: Council does not forward notification of the subdivision approval to the Hunter Water Corporation. It is the Applicants responsibility to make all pertinent arrangements with the Hunter Water Corporation.
62. The Applicant shall ensure that the requirements of Energy Australia for easements and sites for electricity purposes are indicated on the Final Plan of Subdivision and associated Section 88B Conveyancing Act 1919 Instrument which is submitted to the Principal Certifying Authority for approval.
63. The Applicant shall ascertain and comply with the requirements of Energy Australia.
64. The Applicant shall obtain any certificates as required to satisfy the conditions of this Consent.

For Council to process applications for these certificates the following fees would be payable:

Stage 14A

Construction Certificate	\$ 3,700.00	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 5,550.00	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 2,300.00	Plus \$50 Archival Fee	(inc GST)

Stage 14B

Construction Certificate	\$ 3,900.00	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 5,800.00	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 1,900.00	Plus \$50 Archival Fee	(inc GST)

Stage 14C

Construction Certificate	\$ 3,900.00	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$5,800.00	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 1,800.00	Plus \$50 Archival Fee	(inc GST)

Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the applicant must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

The above application fees are subject to change each financial year and confirmation of the applicable fee should be obtained from Council prior to the lodgement of any application.

Section 94 Contribution

65. Contribution To Provision Of Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie Section 94 Contributions Plan No. 5 – North Wallarah (2004) the monetary contributions

and land dedications in the attached Contributions Schedule shall be made to Council for the purposes identified in that Schedule.

- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
- 14 August,
 - 14 November,
 - 14 February, and
 - 14 May

in each year in accordance with the Consumer Price Index published by the Australian Bureau of Statistics and the provisions of the Lake Macquarie Section 94 Contributions Plan No. 5 – North Wallarah (2004).

The first date for indexation and adjustment shall be the date above which is closest to but follows the date on which the Notice of Determination becomes effective.

- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
- Development applications involving subdivision – prior to the release of the Subdivision Certificate.
 - Development applications involving building work – prior to the release of the first Construction Certificate.
 - Development applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first.
 - Development applications where no Construction Certificate or Subdivision Certificate is required – prior to the release of the development consent or prior to issue of the first Certificate of Occupancy, whichever occurs first.

Please note that should payment be made by cheque or electronic transfer the release of any documentation will be subject to the clearing of those funds.

Consumer Price Index details are available from Council's Community Planning Department and the Australian Bureau of Statistics.

A copy of the Lake Macquarie Section 94 Contributions Plan No. 5 – North Wallarah (2004) is available for inspection at the Council's Administrative Building during Council's ordinary office hours.

CONTRIBUTION FEE SCHEDULE

Stage 14A

DESCRIPTION	FEE AMOUNT
NORTH WALLARAH - OSA - LAND (DEDICATION)	1,248.50 M ²
NORTH WALLARAH - LOCAL RF - CAPITAL FEE	\$116,012.00
NORTH WALLARAH -CITYWIDE RF - CAPITAL FEE	\$2,995.00
NORTH WALLARAH - CF - CAPITAL FEE	\$46,818.00
NORTH WALLARAH - CF - LAND FEE	\$2,869.00
NORTH WALLARAH - R & TM - CAPITAL FEE	\$15,530.00
NORTH WALLARAH - CONSERVATION - LAND (DEDICATION)	2,555.30 M ²
NORTH WALLARAH - MANAGEMENT FEE	\$3,851.00

Stage 14B

NORTH WALLARAH - OSA - LAND (DEDICATION)	1,078.25 M ²
NORTH WALLARAH - LOCAL RF - CAPITAL FEE	\$100,192.00
NORTH WALLARAH -CITYWIDE RF - CAPITAL FEE	\$2,587.00
NORTH WALLARAH - CF - CAPITAL FEE	\$40,433.00
NORTH WALLARAH - CF - LAND FEE	\$2,478.00
NORTH WALLARAH - CONSERVATION - LAND (DEDICATION)	2,206.85 M ²
NORTH WALLARAH - R & TM - CAPITAL FEE	\$13,413.00
NORTH WALLARAH - MANAGEMENT FEE	\$3,326.00

Stage 14C

NORTH WALLARAH - OSA - LAND (DEDICATION)	1,021.50 M ²
NORTH WALLARAH - LOCAL RF - CAPITAL FEE	\$94,919.00
NORTH WALLARAH -CITYWIDE RF - CAPITAL FEE	\$2,451.00
NORTH WALLARAH - CF - CAPITAL FEE	\$38,305.00
NORTH WALLARAH - CF - LAND FEE	\$2,348.00
NORTH WALLARAH - CONSERVATION - LAND (DEDICATION)	2,090.70 M ²
NORTH WALLARAH - R & TM - CAPITAL FEE	\$12,707.00
NORTH WALLARAH - MANAGEMENT FEE	\$3,151.00
	TOTAL \$504,385.00