

Ref: T6-20-211
SRR:SRR

25 February 2021

HOPKINS CONSULTANTS PTY LTD
PO BOX 1556
PORT MACQUARIE NSW 2444

Civic Centre
22 Tozer Street
PO Box 3078
West Kempsey
NSW 2440

Customer Services
P. 02 6566 3200
F. 02 6566 3205
ksc@kempsey.nsw.gov.au

ABN
70 705 618 663

Dear Sir/Madam

**DEVELOPMENT APPLICATION T6-20-211: Thirty-Five (35) Lot Subdivision
PROPERTY: Lot 223 DP754396, 211-221 Gregory Street, South West Rocks**

Please find attached a Notice to Applicant of Determination of abovementioned Development Application.

It is strongly recommended that prior to commencing any work associated with this consent that you read the conditions carefully.

Should you have any further enquiries please contact Council's Coordinator Development Assessment, Shane Reinhold, on (02) 6566 3200.

Yours faithfully



Shane Reinhold
Coordinator Development Assessment (Acting)
OPERATIONS AND PLANNING

PLEASE NOTE:

When making enquiries concerning this application, please quote our reference number, which will enable us to expedite your enquiry.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.18 (1)(a)

DEVELOPMENT APPLICATION

Development Application Number: T6-20-211 **LA 5028**
Date lodged with Council: 10 June 2020

Applicants Name:	Hopkins Consultants Pty Ltd
Land to be Developed - address:	Lot 223 DP754396 211-221 Gregory Street South West Rocks
Proposed Development:	Thirty-Five (35) Lot Subdivision

Determination made on:	25 February 2021
Determination:	Consent granted subject to conditions described below
Consent to operate from:	25 February 2021
Consent to lapse on:	25 February 2026

Reasons for decision:

Council is satisfied that the proposal is compatible with the environmental, social, and economic values of the locality; is suitable with consideration to the constraints of the site; is compliant with the relevant legislation; and is in the public interest.

Have General Terms of Approval been granted by an Approval Body pursuant to Section 93 of the *Environmental Planning and Assessment Act 1979*:

Yes, issued by the NSW Rural Fire Service – see Condition 2

The following conditions have been imposed in accordance with the requirements of Section 4.17 of the *Environmental Planning Assessment Act 1979* having regard to the relevant matters identified under Section 4.15 of the Act.

Parameters of this Consent

1. Approved Documents

The development must be implemented in accordance with the plans and supporting documents set out in the following table, except where modified by any conditions of this consent.

Approved Document	Version	Prepared by	Dated
Lot Layout Plan	D	Hopkins Consultants	05/05/2020
Statement of Environmental Effects	-	Hopkins Consultants	May 2020
Bushfire Assessment Report	-	Midcoast Building & Environmental	May 2020
Settlers Ridge - Preliminary Vegetation Management & Fauna Protection Plan	-	N. Reid (GHD)	13/05/2020
Biodiversity Assessment Report	-	Peter Parker Environmental Consultants Pty Ltd	23 October 2012
Koala Habitat Protection Assessment	-	Peter Parker Environmental Consultants Pty Ltd	27 August 2012
Acoustic Report	-	Hunter Acoustics	7-Sep-12
Cultural Heritage Assessment	-	RPS	August 2012
Traffic Impact Assessment	-	RoadNet	August 2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. Integrated Approvals

The following General Terms of Approval form part of this consent:

- a) The General Terms of Approval issued by the NSW Rural Fire Service under the *Rural Fires Act 1997*, dated 24 August 2020.

3. Prescribed conditions

The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the *Environmental Planning and Assessment Regulation 2000*.

Prior to the Issue of any Subdivision Works Certificate

4. Water & Sewer Services

Prior to the issue of any Subdivision Works Certificate, engineers plans and details for extension of all services as required to service all lots the subject of the Subdivision Works Certificate must be submitted to the Certifier for approval. These engineering plans must be prepared by a suitably qualified Civil Engineer, demonstrate compliance with Council's adopted engineering standard, AUSPEC, and:

- a) For water supply, compliance with the *Water Supply Code of Australia*; and
- b) For sewer, compliance with the *Sewerage Code of Australia*.

5. Stormwater

Prior to the issue of any Subdivision Works Certificate, stormwater drainage engineer's details for stormwater drainage systems to convey stormwater throughout the development must be submitted to the Certifier for approval. These stormwater drainage engineer's details must be prepared by an appropriately experienced, qualified and practicing civil engineer. These stormwater drainage engineer's details must be in accordance with Council's *Development Control Plan 2013, Australian Rainfall and Runoff*, and *AS/NZS 3500.3 - Plumbing and drainage, Part 3: Stormwater drainage*.

Approval under Section 68 of the *Local Government Act 1993* must be obtained from Council for all stormwater works.

The stormwater drainage engineer's details and Section 68 approvals must be approved by the Certifier as part of the relevant Subdivision Works Certificate.

Please Note: Where stormwater infrastructure is required over adjoining properties, owner's consent from the owners of those properties must also be obtained.

6. Geotechnics & Engineering Details

Prior to the issue of any Subdivision Works Certificate that includes civil works, a geotechnical report must be provided to the Certifier for approval. This geotechnical report must be prepared and certified by an appropriately qualified and N.A.T.A registered geotechnical engineer, certifying that all elements of the proposal are appropriately for their intended purposes regarding geotechnical considerations. This geotechnical report must be approved by the Certifier as part of the relevant Subdivision Works Certificate.

Prior to the issue of any Subdivision Works Certificate that includes civil works, engineer's details for all proposed civil works must be provided to the Certifier for approval. All engineer's details must be prepared by an appropriately qualified, experienced and practicing Engineer in accordance with Council's adopted engineering standard; *AUS-SPEC*; and the current Building Code of Australia. These engineer's details must be approved by the Certifier as part of the relevant Subdivision Works Certificate.

7. Road construction

Prior to the issue of any Subdivision Works Certificate, engineering construction plans and specifications for road works to provide access to all lots the subject of the Subdivision Works Certificate must be submitted to the Certifier for approval. These engineering construction documents must be prepared by a suitably qualified Civil Engineer. These engineering construction documents must detail road works at full width construction, including all associated works (e.g., kerb & gutter, concrete footpaths, street lighting, etc.), in accordance with Council's adopted engineering standards, *AUS-SPEC*, *Austrroads*, the Major Project MP_10_0103 Part 3A Concept Plan Approval and any relevant modifications, and any other relevant standards/guidelines. All footpaths, bus-stops, crossings, etc., must comply with the *Disability (Access to Premises) Standards*. These engineering construction documents must be consistent with the documents approved by this consent.

Where any works are proposed within an existing road reserve, approval under Section 138 of the *Roads Act 1993* must be obtained from Council.

All such engineering construction documents and Section 138 approvals must be included by the Certifier as part of the relevant Subdivision Works Certificate.

8. Street naming for new roads

Prior to the issue of any Subdivision Works Certificate, three (3) street name options for each new road (including private roads) must be provided to Council in accordance with Council's *Procedure 3.1.1 – Road Naming*.

9. Pedestrian Access Management Plan and Bike Plan

Prior to the issue of any Construction Certificate, a Pedestrian Access Management Plan (PAMP) and Bike Plan must be provided to Council for endorsement. This PAMP and Bike Plan must be prepared by an appropriately qualified professional. This PAMP and Bike Plan must be prepared in accordance with Council's *Development Control Plan* and the adopted *South West Rocks Pedestrian Access and Mobility Plan 2003 (Cardno-MBK)*, and must address connectivity for pedestrians, cyclists and public transport, and include recommendations as to appropriate treatments to enable public use. Footpath must be required (but not limited to) the full length of all internal roads in accordance with the NSW Transport Roads & Traffic Authority *Technical Direction for traffic and transport practitioners TDT 2011/01a "Pedestrian Refuges"*. The Council endorsed PAMP and Bike Plan must be approved by the Certifier as part of the relevant Subdivision Works Certificate.

10. Streetscape Plan

Prior to the issue of any Subdivision Works Certificate, a Streetscape Plan must be provided to Council for endorsement. This Streetscape Plan must be prepared by an appropriately qualified landscape architect or urban designer.

This Streetscape Plan must include treatment of all public areas, including the full Gregory Street frontage (including solid-screen fencing) keeping in sympathy with the neighbouring treatment. All nature strips and non-hardstand areas shall be landscaped. Low-maintenance species shall be used that will not conflict or intrude upon any public infrastructure (above and below ground), and include an implementation and maintenance schedule. The solid-screen fencing shall prohibit any access (including pedestrian, vehicular, etc.) between Gregory Street and any proposed lot fronting.

Streetscape Plan must incorporate an acoustic barrier across the rear boundaries of Lots 1 to 5 (inclusive), as detailed in the approved Acoustic Assessment.

The Council endorsed Streetscape Plan must be approved by the Certifier as part of the relevant Subdivision Works Certificate.

11. Biodiversity offset credits

Prior to issue of any Subdivision Works Certificate, the class and number of ecosystem credits and species credits in the Tables below must be retired to offset the residual biodiversity impacts of the development.

Impacted plant community type	Number of credits
NR228 - Scribbly Gum - Red Bloodwood heathy open forest of the coastal lowlands of the NSW North Coast Bioregion	204

Impacted threatened species credit species	Number of credits
Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	60

This requirement to retire credits may also be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided Council prior to the issue of any Subdivision Works Certificate.

If the development is staged, then the retirement of credits or payment to the Biodiversity Conservation Fund may also be staged at a proportional rate. To stage the retirement of credits or payment to the Biodiversity Conservation Fund, the proponent must submit to Council an amended Biodiversity Development Assessment Report (BDAR) which must be approved by Council.

The requirements of this condition may be varied only in accordance with written agreement by the NSW Office of Environment and Heritage (OEH).

12. Long Service Levy

Prior to the issue of any Subdivision Works Certificate, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition. This payment may be

made at Council's Customer Service Centre. If paying by cheque it must be made payable to Kempsey Shire Council.

Prior to and During Works

13. Site Waste Minimisation Plan (SWMP)

Prior to the commencement of any works, a Site Waste Minimisation and Management Plan (SWMMP) prepared in accordance with the Council's *Development Control Plan 2013* must be submitted to, and approved by, the Principal Certifying Authority. The approved SWMMP must be complied with for the duration of the works.

14. Haul routes

Prior to the commencement of any works, Council must be notified of the proposed haul routes for all fill and construction materials to be used for the works relevant to the stage. This notification must detail which materials are sourced at each location, the approximate quantity of each, the nominated hours of haulage, etc. Works must not commence until Council has issued written authorization for all haul routes. Only the approved haul routes may be used for all haulage associated with the works.

15. Utilities

Prior to the commencement of any works, the Applicant is to negotiate with the utility authorities regarding the relocation/adjustment of the services affected by construction of the proposal.

16. Prescribed Condition: Erection of signs

Prior to the commencement of any building work, subdivision work, or demolition work, a sign must be erected in a prominent position at the frontage to the site:

- a) Showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

The sign/s must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of 1m².

In accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, this condition does not apply to:

- building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- Crown building work that is certified, in accordance with Section 6.28 of the *Environmental Planning and Assessment Act 1979*, to comply with the technical provisions of the State's building laws.

17. Appointment of Aboriginal Field Officer

Prior to the commencement of any works, a suitably qualified Aboriginal Field Officer from the NSW National Parks and Wildlife Service or the Kempsey Local Aboriginal Land Council must be appointed. This officer must be present during all earthworks.

The items of Aboriginal heritage identified in the approved Cultural Heritage Assessment must clearly fenced and avoided by all activities.

18. Prescribed Condition: Excavation & shoring

If the development involves an excavation that extends below the level of the base of the footings of a building, structure, or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this development consent must, at that person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation; and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

19. Protection of trees to be retained

Prior to the commencement of any works, all trees and vegetation to be retained must be clearly mapped and marked in the field prior to any works. The drip line of trees to be retained must be fenced off, and the fencing maintained for the duration of the works. No materials, plant equipment or vehicles must be stored in this area, and no soil/root disturbance is permitted.

20. Copy of plans to remain on site

A copy of this Development Consent and the approved Construction Certificate (including all plans, details, specifications, etc.) must remain on site at all times during any/all subdivision construction works. These documents must be made readily available for perusal at the request of any officer of the Council, the Principal Certifying Authority, and/or any Government Agency.

21. Public amenity & construction hours

Works must not unreasonably interfere with the amenity of the neighbourhood. Noise that is audible at adjoining residential premises, can only occur:

- a) Monday to Friday, from 7:00am to 6:00pm.
- b) Saturday, from 8:00am to 1:00pm.
- c) Nil on Sundays or Public Holidays.

Construction noise must be limited as follows:

- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A); or
- b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

All the recommendations from the approved Acoustic Assessment must be complied with for the duration of the works.

22. Interference with street operations & Hoardings

Works must not interfere with the continued operation of the street, public car parking areas, pedestrian walkways, adjoining premises, etc., unless such interference is by Council authorised hoardings.

Hoardings must only be erected within the road reserve in accordance with an approval granted by Council under Section 138 of the *Roads Act 1993*.

No third party advertising is permitted to be displayed on the any hoarding/fencing. Graffiti must be removed from any hoarding/fencing or the like, within 48 hours of its application.

23. Works to be undertaken in accordance with approved documents

All the recommendations and/or requirements of all the approved documents must be complied with during any works:

- Settlers Ridge - Preliminary Vegetation Management & Fauna Protection Plan; and
- Biodiversity Assessment Report; and
- Koala Habitat Protection Assessment; and
- Cultural Heritage Assessment.

24. Operational requirements

Work must be carried out in a safe and professional manner. Work must not interfere with public amenity, cause damage to nearby property, or unreasonably impact upon the environment. In particular:

- a) Erosion and sediment controls must be maintained throughout the construction, in accordance with approved CEMP, until the site has been stabilised by permanent vegetation or hard surface.
- b) Dust from the site must be controlled so as not to result in a nuisance at neighbouring properties.
- c) All waste must be disposed of by transfer to an authorised waste transfer facility. Until transferred to an authorised waste transfer facility, all waste must be contained on the site in a bulk waste storage area/enclosure. Burning of waste, cleared vegetation, or any other item on site is prohibited.
- d) Building materials must be delivered directly onto the property. Road reserves and public reserves must be maintained clear of building materials, rubbish, etc.
- e) Construction traffic must not track earthen materials into the road reserve. Shakers (or the like) must be used.
- f) Construction vibration must be in accordance with *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).
- g) Adequate toilet facilities must be provided on site.

Prior to the Issue of any Subdivision Certificate

25. Implementation of bushfire protection measures without sterilising lots

The General Terms of Approval issued by the NSW Rural Fire Service include the creation of instruments that would prevent several of the proposed lots from being built upon.

To ensure that new lots are not sterilised by these requirements, the following requirements must be complied with:

- a) Prior to the issue of any Subdivision Certificate for proposed Lots 12 to 18 (inclusive), either:
 - i) Create appropriate APZ over Lot 1 DP1265116, so that the Asset Protection Zone/s required by the General Terms of Approval issued by the NSW Rural Fire Service will not sterilise Lots 12 to 18 (inclusive); OR

- ii) Lot 1 DP1265116 be subdivided into Torrens title residential lots, as shown on the approved concept master plan, so as to ensure the hazard is removed in perpetuity.
- b) Prior to the issue of any Subdivision Certificate for proposed Lots 18, 19, 26, and/or 27, either:
 - i) Create appropriate APZ over Lot 57 DP1117398, so that the Asset Protection Zone/s required by the General Terms of Approval issued by the NSW Rural Fire Service will not sterilise Lots 18, 19, 26, and/or 27; OR
 - ii) Lot 57 DP1117398 be subdivided into Torrens title residential lots, as shown on the approved concept master plan, so as to ensure the hazard is removed in perpetuity.

26. All works to be completed

Prior to the issue of any Subdivision Certificate, all requirements of this consent (including the approved documents and subsequent approvals) must be completed to the satisfaction of Council.

27. Works as executed plans to be submitted

Prior to the issue of any Subdivision Certificate, works-as-executed documentation for all relevant works must be submitted to the satisfaction of Council. The works-as-executed documentation must be certified by a suitably qualified engineer / registered surveyor. This submission must include copies of all computer aided design (CAD) electronic files for all final drawings, in the file format required by Council. This submission must include all test certificates, owner's manuals, warranties and operating instructions, mechanical and/or electrical plant, engineer certification, etc. This submission must include a certificate from a registered surveyor which certifies that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

28. Provision of electricity supply

Prior to the issue of any Subdivision Certificate, written evidence from the electricity supply authority (e.g., a Notice of Arrangements letter) must be provided to Council, stating that satisfactory arrangements have been made for the provision of underground electricity supply to all lot/s the subject of this Subdivision Certificate.

29. Provision of telecommunications

Prior to the issue of any Subdivision Certificate, written evidence from the national broadband network authority must be provided to Council, stating that:

- a) the installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on the lots. The carrier must confirm in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

- b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises are demonstrated through an agreement with a carrier.

30. Integrated approvals

Prior to the issue of any Subdivision Certificate, evidence must be provided to Council demonstrating that all General Terms of Approval issued in relation to this consent have been completed.

31. Repairing damages resulting from works

Prior to the issue of any Subdivision Certificate, the cost of repairing any damage caused as a result of construction works associated with the approved development to Council or other public authority's assets in the vicinity of the site and along all haulage routes, is to be met in full by the applicant/developer.

32. Subdivision Certificate and Instruments

Prior to the issue of any Subdivision Certificate, an application for a Subdivision Certificate must be made with Council. The final plan of subdivision must be submitted with the application for a subdivision certificate.

This application for a Subdivision Certificate must include certification from a registered surveyor which certifies that all services (e.g. drainage, stormwater, water supply, fire hydrants, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services.

The final plan of subdivision must detail all dedication of public road to provide the required road reserve and all road works to be dedicated to Council, to the satisfaction of Council. All road works and associated structures/works must be located within the road reserve, and must maintain widths as required by Council

This application for a Subdivision Certificate must include Section 88B/88E Instrument as identified in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Easements for Services	The creation of any necessary easements for services (water, sewer, electricity, telecommunication, etc.). The instrument must benefit and burden proposed allotments and parties as is appropriate, to the satisfaction of Council.
Stormwater Easements	The creation of easements to carry stormwater through the subdivision. These instruments must benefit and burden proposed allotments and parties as is appropriate, to the satisfaction of Council.

Bushfire Protection	The creation of easements/covenants for the establishment of bushfire protection measures in accordance with the General Terms of Approval (and any other requirements) of the NSW Rural Fire Service. The instrument must burden proposed allotments and parties as is appropriate, and benefit Council, to the satisfaction of Council.
Acoustic Barrier	The creation of easements/covenants for the preservation of the acoustic barrier. The instrument must burden proposed Lots 1 to 5 (inclusive), and benefit Council, to the satisfaction of Council.
Acoustic Height Controls	The creation of easements/covenants to limit the construction of all buildings to single storey construction. The instrument must burden proposed Lots 1 to 7 (inclusive), and benefit Council, to the satisfaction of Council.
Access to Gregory Street prohibited	<p>The creation of restrictions as to user:</p> <ul style="list-style-type: none"> a) Prohibiting direct access between the burdened lots and the Gregory Street road reserve; and b) Prohibiting the carrying out of any work on the burdened lots that in any way enables or enhances access between the burdened lots and the Gregory Street road reserve (such as a driveway, gate, vehicular or pedestrian access, or the like), and that no such works shall be permitted to remain on any burdened lot or the Gregory Street road reserve; and c) Requiring the owner of the burdened lot to pay all costs associated with remediating any works that are in breach of this restriction; and d) Where works have been undertaken in the road reserve in breach of this restriction, requiring the owner of the adjacent burdened lot to pay all costs associated with remediating such works. <p>The instrument shall burden proposed Lots 1 to 4 inclusive, and benefit Council, to the satisfaction of Council.</p>
Right of Carriageway	Provision of right of carriageway over the future road corridor to the south of development over Lot 57 DP1117398 linking the two (2) temporary cul de sacs required by this consent. The instrument shall burden Lot 57 DP1117398, and benefit Council, to the satisfaction of Council.

33. Certificate of Compliance

Prior to the issue of any Subdivision Certificate, a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* must be obtained from Council for all lot/s the subject of the relevant Subdivision Certificate.

34. Developer Contributions

Prior to the issue of any Subdivision Certificate, a monetary contribution in accordance with the Schedule of Contributions below must be paid to Council. Alternatively, Council may confirm in writing that satisfactory arrangements have been made for the payment of part or all of the contributions (such as Works in Kind, Planning Agreements, etc.).

The contribution levied below has been assessed pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Development Contributions Plan listed in the table below, and have been levied pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*.

If the works are staged then the contribution must be paid at an amount proportionate to the works within the scope of the relevant Construction Certificate. Council will provide written advice upon request to confirm the amount payable for an identified stage.

Developer Contributions Plans

The specific public amenity or service in respect of which the condition is imposed	The contributions plan under which the condition is imposed	Date of contributions plan
Community Services	South West Rocks Section 94 Contribution Plan	Feb 2008
Open Space & Bushland	South West Rocks Section 94 Contribution Plan	Feb 2008
Traffic & Transport Management	South West Rocks Section 94 Contribution Plan	Feb 2008
Public Domain Improvement	South West Rocks Section 94 Contribution Plan	Feb 2008
Stormwater	South West Rocks Section 94 Contribution Plan	Feb 2008
Other Services	South West Rocks Section 94 Contribution Plan	Feb 2008
Plan, Studies & Management	South West Rocks Section 94 Contribution Plan	Feb 2008
Project Administration	Section 94 Project Administration	10 Aug 2007

Schedule of Contributions

Public amenity or service	Type	Units	Rate per unit	Contribution	Applicable until	Codes
Community Services – Library	EP	81.6	\$382.31	\$31,196.50	30 June 2021	AYC1
Community Services - MBP	EP	81.6	\$469.11	\$38,279.38	30 June 2021	AYC2
Open Space Acquisitions	EP	81.6	\$457.74	\$37,351.58	30 June 2021	AYC3
Open Space Increased capacity	EP	81.6	\$1,476.54	\$120,485.66	30 June 2021	AYC4
Bushland	EP	81.6	\$32.03	\$2,613.65	30 June 2021	AYC5
Traffic and Transport Mngmt	EP	81.6	\$1,389.76	\$113,404.42	30 June 2021	AYC6
Public Domain Improvements	EP	81.6	\$197.36	\$16,104.58	30 June 2021	AYC7
Stormwater Management	EP	81.6	\$1,334.98	\$108,934.37	30 June 2021	AYC8
Support Services – Bushfire	EP	81.6	\$37.20	\$3,035.52	30 June 2021	AYC9
Support Services – Surf Life Savings	EP	81.6	\$45.47	\$3,710.35	30 June 2021	AYC10
Plan Studies	EP	81.6	\$78.53	\$6,408.05	30 June 2021	AYC11
			sub-total	\$481,524.05	30 June 2021	
			s94 admin (6%)	\$28,891.44	30 June 2021	
			TOTAL	\$510,415.49	30 June 2021	

PLEASE NOTE: The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the relevant Development Contributions Plans and any relevant Council Procedures. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

Advice

A. Certificate of Compliance comments

This consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained.

A person may apply to Kempsey Shire Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. An application form is available from Council's website www.kempsey.nsw.gov.au or at Council Offices located at 22 Tozer Street, West Kempsey.

Please be advised that as a precondition to the granting of a Compliance Certificate, all infrastructure works to serve the development as listed in the Schedule of Works below must be completed to the satisfaction of Council, and a monetary contribution in accordance with

the following Schedule of Contributions must be paid in full or Council has confirmed in writing that satisfactory arrangements have been made for the payment of contributions.

Schedule of Works – Water Supply:

- The property is located in the Gregory Street reservoir zone. Council records indicate an extension of the existing water supply infrastructure is required to service the site, at no cost to Council.
- The development will need to provide Council with a proposed Water Supply strategy in accordance with the WSA 03-2011-3.1 Water Supply Code of Australia
 - Section 2.2 System Planning Process
 - 2.2.2 Extending / upgrading an existing water supply system
 - Nearby water mains pressure tests were provided and indicate adequate pressure should be available to the site. Water pressure testing will need to be done at the nearest hydrant point from the proposed connection point to confirm adequate pressure.

Schedule of Works – Recycled Water Supply:

- The development has proposed recycled water infrastructure. This area is not currently serviced by recycled water and is not a designated recycle water area.

Schedule of Works – Sewer:

- The property is located within the South West Rocks sewerage scheme. It is proposed that 20 lots will drain into the R19 pump station and 15 lots will drain to R1 pump stations. Based on current capacity analysis, there is sufficient capacity in both pump stations to cater for the development.
- The development will need to provide Council with a proposed Sewerage Servicing strategy in accordance with the WSA 02-2014-3.1 Gravity Sewerage Code of Australia
 - Section 2.3 Planning Principles
 - 2.3.2 Concept plan
 - Catchment analysis

Schedule of Contributions

Public amenity or service	Type	Units	Rate per unit	Contribution	Applicable until	Codes
Water	ET	34	\$10,364.76	\$352,401.84	30 June 2021	AW
Sewer	ET	34	\$8,743.96	\$297,294.64	30 June 2021	AS
TOTAL				\$649,696.48	30 June 2021	

PLEASE NOTE: The amount to be paid will be adjusted at the time of actual payment, and if applicable any relevant Council Procedures. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

If the works are staged, contributions must be levied at the amount proportionate to the works within the scope of the relevant Construction Certificate.

B. Stormwater engineering comments

As part of the application for Subdivision Works Certificate,

- a stormwater model (prepared using the DRAINS software program) in support of the sizing of the proposed stormwater detention basin and demonstrates that the basin conceptually has capacity to limit peak post development stormwater flows to rates less than pre-development.
- a conceptual water quality model (using MUSIC) to demonstrate that the quality of stormwater discharge from the development site achieves compliance with Council's AUSPEC specifications.
- Provision of a temporary detention basin on the south western side of proposed subdivision in the vicinity of proposed lot 35 in the adjoining Lot 57 DP 1117398.

The following additional details shall also be included:

- Hydrology and hydraulic calculations based on the models described in Australian Rainfall and Runoff;
- The calculations shall account for all runoff from neighbouring properties, and shall include measures to safely route all stormwater through the development without impacting upon any proposed lot;
- Consideration of future stormwater drainage systems likely to be associated with future development and the recommendation of the adopted Macleay River Estuary Management Plan;
- All stormwater shall be routed through gross pollutant traps to remove gross pollutants as well as fine sediments. GPT selection shall be suitable for the intended use and Council's future operational/maintenance commitments.
- Details of public safety measures suitable to prohibit public access to the bioretention basin, including fencing, signage, side slopes, depth indicators, etc.; and
- Details of future maintenance and access for the bioretention basin.

C. Road and other civil engineering comments

- Road construction is to be carried out as per the Major Project MP_10_0103 Part 3A Concept Plan Approval, and Council's adopted engineering standards.
- Council at the time of preparation of the concept plan did not support the extension of the pedestrian pathway along the currently unsealed section of Keith Andrews Drive from Gregory Street. Council requested the proponent investigate improvements to the existing road network to allow a new pathway system to connect to the existing pedestrian pathway network. Any new internal pathways to be provided in accordance with Council's engineering guidelines.
- Provision of a pathway network in accordance with approved plan to include a concrete footpath (minimum 1.2m wide) between lots 4 and 5 connecting to Keith Andrews Ave; such path shall be located within a reserve with a minimum five (5) metres wide.

D. Fill materials and contaminants

The only fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and/or
- b) Any other waste-derived material the subject of a resource recovery Exemption under Clause 91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions, which must be provided to Council or any other public authority on request. Any waste-derived material that does not qualify for resource recovery exemption must not be received at the development site for any reason.

E. Aboriginal heritage

All earthmoving contractors and operators should be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery immediately. In the event that bone is unearthed, NSW Police must also be informed of the discovery immediately. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*.

F. Building envelopes

Please note that building envelopes are intended to provide an indicative building location only. It may be possible for future owners to build outside these building envelopes, subject to re-assessing the relevant considerations and constrains.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

You are further advised that pursuant to Division 8.2 of the *Environmental Planning and Assessment Act 1979*, a request may be made to review a determination at any time within six (6) months of the date of notification. This right of review does not apply in respect to designated development, integrated development or an application by the Crown.



Signature:

Shane Reinhold
Coordinator Development Assessment (Acting)
OPERATIONS AND PLANNING

Date:

25 February 2021