

MINUTES OF THE NORTHERN REGION PLANNING PANEL MEETING HELD AT NORTH HAVEN BOWLING CLUB ON WEDNESDAY 16 JUNE 2010 AT 3.30 PM

PRESENT:

Garry West	Chair
John Griffin	Panel Member
Bruce Clark	Panel Member
Paul Drake	Panel Member
Mark Stocks	Panel Member

IN ATTENDANCE

Matt Rogers	Director, Development and Environmental Services, Port Macquarie-Hastings Council (PMHC)
Dan Croft	Manager, Building and Development Assessment, PMHC
Patrick Galbraith-Robertson	Development Assessment Planner, PMHC
Jacky Jurmann	Development Assessment Planner, PMHC
Ben Roberts	Development Assessment Planner, PMHC

APOLOGY:	Pamela Westing	Panel Member
	Andrew Roach	General Manager - PMHC

The meeting commenced at 3.30 pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest -

None

2. Business Items

- | | |
|---------------|---|
| ITEM 1 | 2009NTH005 - Port Macquarie-Hastings Council - 2009/0368 - New Stingray Creek Bridge, Ocean Dr, Laurieton, North Haven |
| ITEM 2 | 2009NTH012 – Port Macquarie-Hastings Council – DA 2009/0443 - Health Services Facility - 21 Gore Street, Port Macquarie |
| ITEM 3 | 2009NTH016 - Port Macquarie-Hastings Council – DA 2009/0474 - Construction of 4 storey residential flat building - 27 Pacific Drive, Port Macquarie |

3. Public Submission -

Item1

Milton Job	Addressed the panel seeking clarification of a point
Darryl Davis	Addressed the panel against the item
Trevor Lewis	Addressed the panel against the item

Item 2

Chris Jenkins (applicant)	Addressed the panel in favour of the item
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Item 3

Chris Jenkins
(applicant)

Addressed the panel **in favour** of the item

4. Business Item Recommendations

ITEM 1 2009NTH005 - Port Macquarie-Hastings Council - 2009/0368 - New Stingray Creek Bridge, Ocean Dr, Laurieton, North Haven

Moved John Griffin seconded Paul Drake.

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendment to:

Condition A (7) (A), second dot point by inserting "(on south side of bridge)" at the end of the sentence.

Amended conditions of consent as they appear in Attachment A.

MOTION CARRIED UNANIMOUSLY

ITEM 2 2009NTH012 – Port Macquarie-Hastings Council – DA 2009/0443 - Health Services Facility - 21 Gore Street, Port Macquarie

Moved John Griffin seconded Mark Stocks.

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, as they appear in Attachment B.

MOTION CARRIED UNANIMOUSLY

ITEM 3 2009NTH016 - Port Macquarie-Hastings Council – DA 2009/0474 - Construction of 4 storey residential flat building - 27 Pacific Drive, Port Macquarie

Moved Paul Drake seconded Bruce Clarke.

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendment to:

Condition A (4) to include "The plans submitted with the strata certificate are to ensure two (2) visitor car parking spaces are part of common property and not assigned to individual units. The accessible space is to be allocated the adaptable unit".

Amendments conditions of consent as they appear in Attachment C.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 4.50pm.

Endorsed by

A handwritten signature in cursive script, reading "Garry West". The signature is written in dark ink and is positioned above the printed name and title.

Garry West
Chair, Northern Region Planning Panel
23 June 2010

ATTACHMENT A

CONDITIONS OF CONSENT: 2009NTH005 - Port Macquarie-Hastings Council - 2009/0368 - New Stingray Creek Bridge, Ocean Dr, Laurieton, North Haven

A - GENERAL MATTERS

- (1) (DA001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Environmental Impact Statement	60048062/DO-004	AECOM Australia Pty Ltd	29 July 2009

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) (DA002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (DA006) 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 development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (4) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent 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 Construction Certificate.
- Such works include, but not be limited to:
 - Civil works
 - Traffic management
 - Work zone areas
 - Swing or hoist goods across or over any part of a public road
- (5) (DA008) The requirements, pursuant to Section 306 of the Water Management Act 2000, to carry out water management works on public land, required by this Development Consent is to be obtained from Port Macquarie-Hastings Council prior to the issue of a Construction Certificate.
- (6) (DA016) The general terms of approval from the following authorities are set out in Section G of this consent and form part of the consent conditions for this approval.
- Department of Planning
- (7) (DA035) The applicant shall construct the Stingray Bridge and road approaches as follows:

(A) STINGRAY BRIDGE;

The applicant shall design and construct to design standards conforming to current Australian Bridge Standards AS5100 commensurate with road function and usage generally as outlined in EIS (clause 5.1) ..

The total width of the bridge at road level will be a minimum 15.3m. This width will allow for the provision of:

- Two (2) 4.5m travelling lanes;
- One (1) 3m wide shared footpath/cycleway - clear of the traffic lanes on south side of bridge;
- One (1) 1.8m wide footpath - clear of the traffic lanes
- Safety barriers on the outer edge of the bridge and between the roadway and footpaths/cycleway.
- Pedestrian underpass or boardwalk off the bridge (North Haven side) to provide safe pedestrian linkage along the foreshore.
- Utilities (water, sewer, telecommunications, fibre optic cable, electricity transmission lines, streetlighting)
- Rainfall runoff from the proposed bridge deck to be captured and directed to purpose-built stormwater treatment structures prior to discharge to Stingray Creek.
- Clearance beneath the underside of the bridge girders to the Mean High Water Mark shall be at least equivalent to the clearance the existing bridge structure with a minimum clearance of 3.6m plus additional allowances for sea rise due to climate change.
- Registered vehicles fully laden up to 50 tonnes (noting that Ocean Drive is not a B-Double route).
- Environmental clearance in accordance with clause C.09 of RTA's "Arrangements with Councils for Road Management";

(B) ROAD APPROACHES:

The applicant shall construct realign and reconstruct approximately 120m of road approaches on the western side and approximately 105m on the eastern side, generally in accordance with EIS (clause 5.2) and Figure 8 Proposed Concept Design of the EIS and in accordance with Council's adopted AUSPEC Specifications and AUSTRROADS; such construction is to include, but not limited to:

- 9metre wide sealed carriageway
- minor reconfiguration of the intersection of Ocean Drive with Bridge and River Streets
- Guardrails
- Embankment with rock facing
- All utilities (water, sewer, stormwater, streetlighting, electricity, telecommunications, including fibre optic cabling)
- A 3m wide shared footpath/cycleway on the western approach connecting with the existing network (south side);
- A 1.8m wide footpath on the western approach connecting with the existing network (north side)

The design plans must be approved by Council pursuant to Section 138 of the Roads Act.

- (8) (DA036) The submission with the application for approval pursuant to Section 138 of the Roads Act of a Traffic Management Plan and/or Environmental Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas for the construction phase of the development ;such traffic management plan shall detail

how traffic issues will be addressed during construction. The plan will address as a minimum:

- Provision of safe pedestrian and cyclist access around the construction zone;
- Traffic control plans;
- Staff and contractor parking; and
- Communications with residents and visitors regarding road closures, and traffic management changes.
- Measures to reduce the employee traffic impact, staff traffic movements should be avoided during the background peak periods on the adjacent road network, e.g. 8.00 am to 10.00 am and 3.00 pm to 5.00 pm;
- Construction vehicle movements outside of standard working hours, including loading and unloading operations, shall be minimised and avoided where possible;
- A designated area for staff and contractor parking shall be identified and established (preferably away from Ocean Drive) and staff shall be directed to only use these areas; and
- Construction activities during the peak summer holiday period should be avoided or minimised to the extent practicable.
- A program also to provide updates to the community on the progress of construction and any planned traffic changes or delays shall be developed. The plan shall incorporate a range of communication methods, including but not limited to:
 - Notices in local businesses and newspapers;
 - Letters to directly affected residents;
 - Notices on Council's website;
 - Community Newsletters; and
 - Complaint procedures and contact details.

Any persons preparing such Traffic Control layout plans shall be RTA accredited or equivalent.

- (9) (DA049) Approval under Section 61 and/or Section 138 of the Roads Act 1993, to carry out works required by the development consent on or within road reserve is to be obtained from the Roads and Traffic Authority (RTA). A copy of the approval is to be submitted with the application for the Construction Certificate.
- (10) (DA050) The application for the Construction Certificate is to be accompanied by an execution of a Works Authorisation Deed (WAD) with The Roads and Traffic Authority (RTA). Please contact the Northern Regional Office of the RTA at Grafton for further details (Phone 02 6640 1344).
- (11) (DA099) The proponent shall provide electricity, streetlighting and telecommunication services (including fibre optic cable) to the project in accordance with the requirements of the relevant authority.
- (12) (DA195) In addition to the water infrastructures shown on the bridge plans submitted with the development application, provide water main adjustments and replacements as well as connections between the bridge and the existing water supply infrastructure. These items are to be funded by the proponent or by Council generally in accordance with the details provided in the advices attached to this consent.
- (13) (DA196) Provide two 100mm communication ducts for water supply purposes within the bridge structure for the full length of the bridge.
- (14) (DA197) Prior to issue of construction certificate, Council allocate funds to cover the establishment and 10 years maintenance cost for the compensatory habitat works.
- (15) (DA198) The existing bridge shall be demolished in a controlled systematic manner following completion of the new bridge, commissioning of the new utility installations,

and opening to general vehicle traffic ,as recommended in the EIS (clause 5.5); such requirement is:.

- The demolition will occur sequentially, with all components dismantled/demolished including all components of the substructure and supports.
- The structure shall be dismantled manually with no use of explosives or other mechanical methods which would pose a risk of materials entering the waterway in an uncontrolled manner.
- A detailed methodology for the bridge demolition shall be developed by the contractor, however will comply with the following general principles to ensure the protection of the environment:
 - Erect a containment system curtain around the perimeter of each pier/working area and anchor to the creek bed;
 - All works associated with demolition and removal of the bridge supports will be undertaken entirely within the areas isolated by the containment system;
 - Removal of the structure above the water line will be carried out in pieces using a crane and/or from a barge
 - Dismantling and 'dropping' sections to the creek bed will be avoided;
 - Rubble and dismantled pieces will be transported to the bank where they will be off-loaded for appropriate disposal;
 - Piers will be removed to creek bed level; and
 - Removal of the structure below the pier columns below tide level will be carried out inside a steel caisson placed over the pier column, which will then be dewatered, providing access to the pier column which will then be cut and transported by crane/barge to the creek bank for disposal.

(16) (DA199) All works shall be in accordance with the requirement of the New South Wales Department of Natural Resources.

(17) (DA200) A formal survey and application to the Department of Lands shall be undertaken in order to formally implement property boundary adjustments and land acquisition on private property and Crown lands required for the approaches of the new bridge to be acquired by Council.

The private properties affected are:

- Approximately 14m2 from 502 Ocean Drive, North Haven (Lot 1 DP1044491); and
- Approximately 14m2 from 1 Bridge Street, North Haven (Lot 1 DP232625).

The Crown Lands affected include:

- Bed of Stingray Creek;
- Reserve 231 for "Access to navigable waters" (Lot 7023 DP 1030561 - south of bridge and including the boat ramp and Lot 7011 DP 1023531 - north of bridge); and
- Reserve 8210 for "Access to foreshore" (adjacent to western approach).

A formal application is required prior to issue of Construction Certificate.

(18) (DA201) To minimise construction impacts to waterway users and to ensure interruptions are of minimal inconvenience, the following measures shall be implemented during construction:

- Notices shall be erected a short distance upstream and downstream of the bridge advising vessels of the bridge works and potential restriction to navigation;
- A transit lane shall be maintained under the bridge at all times;
- Navigation hazards shall be marked with yellow buoys and yellow flashing lights;

- NSW Maritime shall be notified of all works in advance to allow them sufficient time to prepare a marine notice; and
 - Regular updates on construction progress and impacts to navigation shall be provided to the community and local businesses.
- (19) (DA202) A detailed construction methodology shall be developed by the successful contractor in accordance with both these development consent conditions and the commitments and obligations contained in the EIS to mitigate environmental impacts.
- (20) (DA203) The successful tenderer/contractor shall furnish to the Council, prior to commencement of any works on the site, a performance bond to the amount of 30% of the estimated cost of the bridge component and roadwork approaches, for the purpose of ensuring:
- (a) the due and proper performance of the conditions of development consent up to the time of the release from the defects liability period.
 - (b) The reimbursement to Council pursuant to section 678(7) of the Local Government Act 1993, or otherwise in the carrying out of works for the reinstating the land or at its option to carry out works reasonably required to construct or complete the said bridge and approaches as a consequence of the non completion of any said works or failure to comply with any notice which Council is entitled to give to the contractor in respect thereof.

Council is indemnified against the cost of implementing any works to remedy default in the carrying out of any works and remedial measures.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DB004) Submission to Council as the road authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the development:
1. Stingray Bridge designed for a 50 tonne loaded vehicle in accordance with AUSPEC D3 Port Macquarie-Hastings Council current version and the requirements of this consent.
 2. Adjoining road works of the bridge approaches and intersection works in accordance with AUSPEC Design Specification D1 and D2 Port Macquarie-Hastings Council current version and the requirements of this consent.
 3. Water supply detailing the existing and proposed water supply infrastructure reticulation as required by this consent and in accordance with AUSPEC Design Specification D11, Port Macquarie-Hastings Council current version.
 4. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
 5. Retaining walls in accordance with AUSPEC Design Specification Port Macquarie-Hastings Council current version.
 6. Stormwater systems in accordance with AUSPEC Design Specification D5 and D7, Port Macquarie-Hastings Council current version.
 7. Erosion & Sedimentation Control Management Plan in accordance with the requirements of this consent
 8. Location of all existing and proposed utility services including;
 - Conduits for electricity supply and communication services.
 - Water supply
 - Sewerage
 - Stormwater
 - Fibre optic cable

- streetlighting
9. Pathways, cycleway ,bridge underpass and associated facilities in accordance with AUSPEC Design Specification D9, Port Macquarie-Hastings Council current version and with the requirements of this consent

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

- (2) (DB005) The design plans of the bridge and approaches are to be approved by the RTA and shall be submitted to Council as the road authority for approval prior to the issue of a Construction Certificate.
- (3) (DB006) Provision of Engineering plans for the bridge approaches detailing the existing and proposed water supply infrastructure as listed herein and in the advices attached to this consent.
- (4) (DB009) 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 plans.
- (5) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies and Council's adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for construction certificate.

The plan shall include measures to:

- a. Prevent site vehicles tracking sediment and other pollutants from the development site.
 - b. Dust control measures.
 - c. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - d. Contingencies in the event of flooding.
- (6) (DB013) The submission with the Section 138 Roads Act application to and approval by Council of details for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

Details are to be provided with the application for approval pursuant to Section 138 of the Roads Act 1993.

- (7) (DB023) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed bridge, retaining walls and embankment is to be submitted with the application for the Construction Certificate.

- (8) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (9) (DB195) Prior to the issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority for approval the Construction Environmental Management Plan (CEMP), incorporating the relevant sub-plans as detailed in the Environmental Impact Statement. The CEMP must be prepared in accordance with the requirements of this consent, relevant state agencies and as outlined in the Environmental Impact Statement.

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to an officer of the Council.
- (3) (DC004) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the principal contractor and Council's Project engineer or his representative.
- (4) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (5) (DC007) The erosion and sediment control sign issued with the development consent is to be displayed at all times on the filter fence.
- (6) (DC010) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

- a. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- b. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) (DC013) Signage must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited.
 - b. showing the name of the principal contractor in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c. the name and contact details of the principal certifying authority responsible for the site

Any such signage is to be removed when the work has been completed.

This does not apply to:

- a. building work carried out inside an existing building.
- (8) (DC015) If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place,

a hoarding complying with DCP No. 41 - Building Construction and Site Management or a fence which will prevent the unauthorised entry of persons onto the site must be erected between the work site and any public place.

Such hoarding/fencing shall be located within the property boundaries. The location of hoardings/fencing on public land is not permitted unless specific approval under Section 138 of the Roads Act, 1993 has been granted by Council.

- (9) (DC195) Prior to the commencement of any works, documentary evidence shall be submitted to the principal certifying authority that all relevant state agency approvals have been obtained.
- (10) (DC196) A hardstand construction compound will be required during the construction period. Selection of the final suitable site will be the responsibility of the contractor and subject to approval by Council's Project engineer for construction. The area shall require inspection and approval prior to adoption and at completion of construction, the area will be rehabilitated.
- (11) (DC197) Provision being made for support of adjoining properties and roadways during construction. All mitigation measures are to be in accordance with the EIS (chapter 12).

D - DURING WORK

- (1) (DD002) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points. Additional hold points may be required with the construction of the bridge as per the tender contracts. No works shall proceed past the identified 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. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works
 - e. at the commencement of earthworks;
 - f. before commencement of any filling works;
 - g. when the sub-grade is exposed and prior to placing of pavement materials;
 - h. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - i. at the completion of each pavement (sub base/base) layer;
 - j. before pouring of kerb and gutter;
 - k. prior to the pouring of concrete for sewerage works and/or works on public property;
 - l. on completion of road gravelling or pavement;
 - m. during construction of sewer infrastructure;
 - n. during construction of water infrastructure;
 - o. 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 AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

Council will undertake random audits of work sites to verify compliance of public works as required.

- (2) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan

until such time as the site is made stable by permanent vegetation cover or hard surface.

- (3) (DD014) Provision being made for support of adjoining properties and roadways during construction.
- (4) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
 - Monday to Saturday from 7.00am to 6.00pm
 - The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (DD038) In buildings constructed prior to 1970, all existing accumulations of dust (eg in ceiling voids, wall cavities, walls, floors etc) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air filter.
- (6) (DD039) Demolition works performed on buildings with materials containing asbestos or lead shall be carried out strictly in accordance with the requirements of the Workcover Authority and National OH&S Committee – *Code of Practice for the Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.
- (7) (DD041) All demolition waste is to be disposed of at the Council Waste Management Facility.

At the completion of demolition activities, Waste Management Centre weighbridge dockets are to be provided to Port Macquarie-Hastings Council to demonstrate compliance with this condition.
- (8) (DD044) 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.
- (9) (DD045) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (10) (DD047) 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.
- (11) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (12) (DD050) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence.
- (13) (DD195) Records of audits and inspections relevant to the Construction Environmental Management Plan (CEMP) must be available at all time upon request by an authorised Council Officer.

E - PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (DE001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE005) Prior to the release of any bond securities held by Council for infrastructure works associated with the development, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (DE037) All civil works shall be certified by a practicing Chartered Civil/structural Engineer as being constructed in accordance with approved construction plans and Council's current AUSPEC Specifications.
- (4) (DE039) Prior to 'practical completion' of the works including commissioning of new utility installations and opening to general vehicle traffic , provision to the Council of documentation from the Roads and Traffic Authority (RTA) certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act have been satisfactorily completed. A copy of this is to be submitted to Council prior to the release of any engineering security bond that may be held.
- (5) (DE052) Prior to the issue of any Certificate of practical completion, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (6) (DE056) All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to;
 - Release of the security bond to guarantee completion of public worksCouncil will undertake random audit of work sites to verify compliance of public works as required.
- (7) (DE071) Provision of street lighting to the new works and compliance with the requirements of the electricity authority regarding provision of electricity . Evidence by way of letter from the electricity authority, indicating compliance with this condition shall be submitted prior to the issue of any compliance Certificate of practical completion.
- (8) (DE072) Prior to the issue of an issue of any Compliance Certificate of practical completion, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Port Macquarie-Hastings Council.
- (9) (DE077) Prior to the issue of an Occupation Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Port Macquarie-Hastings Council.
- (10) (DE095) 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.

F - ADVICE

- (1) (DG001) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Water Manager regarding watermain locations on the bridge and approach works.
- (2) (DG008) Workcover require worksites to be provided with a restrictive barrier to limit access in accordance with Cl. 235 of 'The Occupational Health and Safety Regulations 2001'. Design specifications are available from Workcover. Where such barrier will encroach upon public land, an application for approval is to be lodged with Council.
- (3) (DG030) 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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (4) (DG195) The following water mains and adjustments will be required as part of the works.

375mm AC Trunk water main

This water main is to be relocated as indicated on the plans submitted with the development application on the south side of the new bridge superstructure at the proponent's cost. In addition to the bridge crossing, the work will include an adjustment of about 60 metres of water main on the east side of the bridge and an adjustment of up to 120 metres on the west side. On the west side it will also be necessary for the new water main to cross the new road formation from south to north. Stop valves off each end of the bridge will be required as well as an air valve on the bridge structure.

2 x 150mm AC distribution water mains

Council's Water Supply Section will replace these water mains with a 450mm water main, with the bridge crossing generally as shown on the plans submitted with the development application on the north side of the bridge. The work will also include about 60 meters of additional pipe from the bridge abutment to the northeastern corner of the intersection of Ocean Drive and Bridge Street. At this point a connection will be made to the existing 200mm AC water main. On the western side of the new bridge an adjustment of about 90 metres will be required in both 450mm and 200mm water main. Stop valves off each end of the bridge will be required as well as an air valve on the bridge structure.

Existing 200mm water main across Bridge Street

The 200mm water main across Bridge Street is to be replaced with ductile iron pipe at the proponent's cost if the road works go this far.

Existing 100mm water main across Ocean Drive

The 100mm AC water main across Ocean Drive to River Street is to be replaced with ductile iron pipe at the proponent's cost.

Proposed 200mm Recycled Water Main

The provision of a 200mm diameter reclaimed water pipe on the north side of the bridge within the bridge structure as detailed on the plans submitted with the development application is noted. This will be installed by council's Water/Sewer Section.

- (5) (DG196) There may be other water supply infrastructure adjustments revealed by the final engineering plans.
- (6) (DG197) Note that the 375mm AC water main under Ocean Drive to the east of Bridge Street will be abandoned.

- (7) (DG198) Water services for the bridge construction and amenities during construction are to be applied for as temporary water services. These will be provided on conditions set by Council's Water Supply manager and will be fully metered.

G – NSW DEPARTMENT OF PLANNING

Concurrence under clause 7(3) of State Environmental Planning Policy No. 14 – Coastal Wetlands

- (1) The applicant shall undertake all actions listed in 'Section 18.3 Impacts and Mitigation Measures of the Environmental Impact Statement' (pages 169-177), including preparation of a Construction Environmental Management Plan (CEMP).
- (2) The applicant shall prepare a Compensatory Habitat Plan for this site which includes all actions listed in the 'Wetland Restoration Plan' of the Environmental Impact Statement (appendix E) together with a monitoring program that will cover a period of ten (10) years. The Compensatory Habitat Plan is to be forwarded for information to the Department of Planning prior to commencement of the road works.

ATTACHMENT B

CONDITIONS OF CONSENT : 2009NTH012 – Port Macquarie-Hastings Council – DA 2009/0443 - Health Services Facility - 21 Gore Street, Port Macquarie

A - GENERAL MATTERS

- (1) (DA001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement Of Environmental Effects	-	Chris Jenkins Design Architects Pty Ltd	November 2009
Site Plan	902 DA 01	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Basement Carparking Plan	902 DA 02	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Ground Floor Carpark Plan	902 DA 03	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Level 1 Tenancy Plan	902 DA04	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Level 2 Tenancy Plan	902 DA 05	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Level 3 Tenancy Plan	902 DA06	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Level 4 Tenancy Plan	903 DA07	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Roof Plan	902 DA 08	Chris Jenkins Design Architects Pty Ltd	9 November 2009
North & East Elevations	902 DA 09	Chris Jenkins Design Architects Pty Ltd	9 November 2009
South & West Elevations	902 DA 10	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Section A-A	902 DA 11	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Sun Shadow Diagram	902 DA 13	Chris Jenkins Design Architects Pty Ltd	9 November 2009
Noise Impact Assessment	10-1437-L1	Reverb Acoustics	26 March 2010
Preliminary Mechanical Ventilation Plans	-	Chris Jenkins Design Architects	9 April 2010
Traffic Impact Study	-	RoadNet Pty Ltd	12 April 2010

Plan of Proposed Kerbing and Footpath Works Intersection of Gore and Bridge Streets, Port Macquarie	CW-POR-019 Sheet 2 of 2	Port Macquarie Hastings Council	06/06/2006
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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) (DA002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- c. the appointment of a Principal Certifying Authority; and
 - d. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (DA003) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DA006) 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 development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (5) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent 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 Construction Certificate. 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
 - Structures support a public road
 - Hoardings
- (6) (DA009) The provision of additional roads and stormwater works within the road reserve or Council's land at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of conditions of this consent. The extent of works required for this development will be determined by Council in conjunction with assessing the application under the Roads Act. Design plans for any such works are to be incorporated in the design for other roads and stormwater systems required for this development.
- (7) (DA013) Lodgement with Council (Infrastructure Division) of a security cash deposit or bank guarantee (refundable) in favour of Port Macquarie-Hastings Council and payment of a bond administrative fee (non refundable) in accordance with Council's Schedule of Fees and Charges prior to the issue of the Section 138 approval certificate to guarantee the satisfactory completion of infrastructure works associated with

developments (roadworks/drainage). The bond shall cover the estimated cost plus 30% of public works.

Such bond is to be for limited period of two (2) years and cash securities only will be for bonds less than \$5,000. Any cost of repairing damage caused to Council's infrastructure is to be met in full by the applicant/developer. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued.

- (8) (DA024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (9) (DA031) To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all hairdressing, beauty and skin penetrations salons, all work associated with the fit out shall be designed and carried out in accordance with the requirements of:
 - a. The Local Government (Orders) Regulations,
 - b. The Building Code of Australia,
 - c. Public Health Act 1991,
 - d. Public Health (Skin Penetration) Regulation 2000,
 - e. NSW Health Department Guidelines on Skin Penetration 2000, and
 - f. NSW Health Department Skin Penetration – Code of Best Practice.
- (10) (DA036) The submission with the application for approval pursuant to Section 138 of the Roads Act of a Plan of Management for any works for the development that impact on any public roads and public land for the construction phase of the development. The plan is to include a Traffic Management Plan and/or Environmental Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. The Traffic Control component of the plan is to be designed in accordance with Australian Standard 1742.3 – 2002 RTA "Traffic Control at Worksite Manuals" detailing the location of proposed Work Zone area (Construction Zone) plan, prior to the erection of any 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 Traffic Control layout plans shall be RTA accredited or equivalent.
- (11) (DA037) The provision of civil works within the road reserve in accordance with Council's AUS-SPEC Design & Construction Specifications and Standard Drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (12) (DA042) All construction buildings, site fencing/hoarding and materials are to be wholly enclosed within the development site. Approval pursuant to Section 138 of the Roads Act, 1993 for hoardings over public property is to be obtained from Port Macquarie-Hastings Council prior to commencement of any works. At all times the public road is to be free from extraneous building material allowing unobstructed pedestrian movement.
- (13) (DA057) Any interruption to the natural overland flow of stormwater drainage, which could result in the disruption of the amenity, or drainage or deterioration to any other property is not permitted.
- (14) (DA060) Provision of an automatic stormwater sump and pump system designed by a Practising Hydraulic Engineer for the disposal of seepage and stormwater in the basement storey. The system shall incorporate provision for a standby pump. The design plans for the required services must be approved by Council pursuant to Section 68 of the Local Government Act.
- (15) (DA066) All water, sewer and stormwater services necessary to service the development must be provided in accordance with Council's requirements. All services

are to be designed and constructed in accordance with Council's AUSPEC Specifications. Council pursuant to Section 68 of the Local Government Act must approve the design plans for the required services.

- (16) (DA076) Install an approved grease arrestor pit with a minimum 1000 litre capacity. Installation is to be performed by a licensed plumber and drainer, at Council's direction and to Council's satisfaction. Further advice or assistance can be given by Council's Trade Waste Officer.
- (17) (DA080) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (18) (DA082) Dust nuisance shall not be generated as a result of the undertaking of the development.
- (19) (DA099) The proponent shall provide electricity and telecommunication services in accordance with the requirements of the relevant authority.
- (20) (DA195) The applicant shall, at no cost to Council, construct the following works within or adjacent to the public road reserves.
 - proposed laneway, abutting the southern boundary of the development site, for the full length from Gore Street to the existing public carpark, making a smooth junction with the existing works. There is an existing design for this laneway that has been approved in principle and is available on request.
 - Kerb blister , access ramps both sides of Gore and Bridge Streets and associated drainage and civil works at the intersection of Gore St and Bridge St adjacent to the development in accordance with Council approved concept plan CW-POR-019 (dated 6/6/06).
 - Concrete footpath paving, 1.2 metres wide and in accordance with Council's Standard Drawing ASD103, along the full road frontage, extending from the existing paving to the south in Gore Street to the existing paving to the west in Bridge Street.
 - Concrete footpath paving, 1.2 metres wide and in accordance with Council's Standard Drawing ASD103, along the northern side of the laneway, within the property and extending to the western boundary. A pedestrian ramp, ASD100, shall be located at the western end of the path.

Detailed construction drawings and specifications to be submitted with the application pursuant to Section 138 of the Roads Act.

- (21) (DA196) The stormwater disposal system shall include structural measures to ensure that the stormwater runoff from the developed site is not increased above the existing runoff for all storm durations and frequencies up to and including the 1 in 100 year storms.
- (22) (DA197) The driveway into the ground floor carpark shall be designed to prohibit the inflow of stormwater from the proposed laneway during the 1 in 100 ARI storm. When determining the overland flow in the laneway, the capacity of the existing piped drainage system shall be ignored, i.e. adopted as having nil capacity.

Full details, including a longitudinal section to AHD, shall be submitted with both applications pursuant to Section 138 of the Roads Act and Section 68 of the Local Government Act.

- (23) (DA198) Both driveways shall be designed in accordance with Council's Standard Drawing ASD202 modified to suit ASD207 and AS/NZS 2890.1. Longitudinal sections of both driveways, to AHD, shall be submitted with the application pursuant to Section 138 of the Roads Act.

- (24) (DA199) One (1) metre clear distance is required around any vertical inspection shaft and any manhole.
- (25) (DA200) In accordance with the definition of a health services facility, contained in SEPP (Infrastructure) 2007, the use of the building and each respective tenancy is strictly limited to providing medical related services. Any proposed change to the use shall be discussed with Council's planning staff, to determine permissibility, and would be subject to further development consent.
- (26) (DA201) A separate development application for any proposed signage must be submitted to and approved by Council prior to the erection or display of any such signs.
- (27) (DA202) The construction of any structure that will provide support to the public road, i.e. basement retaining walls, require the consent of the Roads Authority. Detailed construction drawings supported by a certification of the design prepared by an accredited structural engineer shall be submitted with the application pursuant to Section 138 of the Roads Act.
- (28) (DA203) Automatic "Parking Availability" signage shall be located at the entry to both car parks. Such signage shall be visible to vehicles approaching within the public road and shall advise of the number of empty parking spaces and/or redirect to other parking areas. Full details to be submitted with the application pursuant to Section 138 of the Roads Act for Council's concurrence.
- (29) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. A formal Trade Waste Agreement will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DB004) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments;
10. 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.
 11. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
 12. Road works along the frontage of the development in accordance with:
 - a. AUSPEC Design Specification D1, Port Macquarie-Hastings Council current version.
 13. Stormwater systems in accordance with;
 - a. AUSPEC Design Specification D5 & D7, Port Macquarie-Hastings Council current version.
 14. Location of all existing utility services including;
 - Conduits for electricity supply and communication services.
 - Water supply
 - Sewerage
 - Stormwater
- (2) (DB008) The submission of a groundwater study identifying the effects of the proposed development and detail designs in accordance with AUSPEC Specifications of all proposals necessary to mitigate such effects prior to issue of the Construction Certificate.

- (3) (DB009) 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 plans.
- (4) (DB011) The excavated and filled area shall be retained and drained in accordance with DCP No. 41 – Building Construction and Site Management. Detailed drawings and specifications are to be submitted with the application for the construction certificate.
- (5) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual “Soil and Water Management for Urban Development”, Port Macquarie-Hastings Council sediment control policies and Council’s adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for construction certificate.

The plan shall include measures to:

- e. Prevent site vehicles tracking sediment and other pollutants from the development site.
 - f. Dust control measures.
 - g. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - h. Contingencies in the event of flooding.
- (6) (DB013) The submission with the Section 138 Roads Act application to and approval by Council of details for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
 - The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

Details are to be provided with the application for approval pursuant to Section 138 of the Roads Act 1993.

- (7) (DB027) A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (8) (DB031) The provision of splay corners in accordance with DCP 17. Details must be submitted to and approved by Council prior to issue of the Construction Certificate.
- (9) (DB033) The design and construction of the carpark and accesses in accordance with AS/NZS 2890.1. Certification of the design by a suitably qualified consultant is to be provided prior to issue of the Construction Certificate.
- (10) (DB036) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (11) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services

to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.

- (12) (DB040) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (13) (DB045) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. 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 Administration Levy Contributions Plan
 - Hastings Contributions Plan 1993
 - Part C – Car Parking

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.

- (14) (DB050) Submission of a detailed landscape plan prior to the issue of the Construction Certificate.
- (15) (DB195) Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements.
- (16) (DB196) All sewage from the development is to be discharged to a new or existing manhole.
- (17) (DB197) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the café shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details and plans demonstrating compliance are to be submitted prior to release of Construction Certificate.

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (DC004) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (4) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.

- (5) (DC009) A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall do at their own expense and where necessary:-
- Preserve and protect the building from damage; and
 - If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a practising chartered professional civil and / or structural engineer or accredited certifier.

A separate development consent, with the owner/s of the land as the signatories, to any development application for this purpose, is required if work of this nature is required.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work.

(Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

- (6) (DC010) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

- be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) (DC013) Signage must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- stating that unauthorised entry to the work site is prohibited.
 - showing the name of the principal contractor in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - the name and contact details of the principal certifying authority responsible for the site

Any such signage is to be removed when the work has been completed.

This does not apply to:

- building work carried out inside an existing building.

- (8) (DC019) Work associated with the construction of a new building shall not commence until a water meter provided by the Council has been installed on the site.
- (9) (DC020) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.

D - DURING WORK

- (1) (DD002) Development 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:
- at completion of installation of erosion control measures
 - at completion of installation of traffic management works

- r. at the commencement of earthworks;
- s. when the sub-grade is exposed and prior to placing of pavement materials;
- t. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- u. at the completion of each pavement (sub base/base) layer;
- v. before pouring of kerb and gutter;
- w. prior to the pouring of concrete for sewerage works and/or works on public property;
- x. on completion of road gravelling or pavement;
- y. 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 AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (3) (DD010) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (4) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
 - Monday to Saturday from 7.00am to 6.00pm
 - The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (DD028) 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.
- (6) (DD032) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
 - a. notify Council immediately when the breakage occurs, and
 - b. repair the damage at no cost to Council
- (7) (DD044) 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.
- (8) (DD047) 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.
- (9) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (10) (DD050) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for

periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence.

- (11) (DD195) Any abandoned junctions shall be capped off at Council's main with an approved fitting and Council notified to carry out inspection prior to backfilling of this work.
- (12) (DD196) Where the existing carpark on Lot 23, DP1129456, encroaches on the road reserve for the proposed laneway it shall be removed at the applicant's expense. The residue of the carpark shall be left in a safe and tidy condition. On written request, Council will provide a Permit To Enter the property.

E - PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

- (1) (DE001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE005) 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.
- (3) (DE015) Prior to the issue of the Occupation Certificate (or interim occupation certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (DE033) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Occupation Certificate or commencement of the approved land use.
- (5) (DE034) Provision of a sign at the front vehicular access point within the property, prior to the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site. Such sign shall include the "Parking Availability" signage required elsewhere in this consent.
- (6) (DE038) Prior to the issuing of the Occupation 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 have been satisfactorily completed.
- (7) (DE040) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan No. 18 and Australian Standard 2890.1 prior to issue of the Occupation Certificate.
- (8) (DE043) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
 - a. all drainage lines and any other drainage structures are located in accordance with the Construction Certificate.
 - b. all stormwater has been directed to a Council approved drainage system
 - c. all conditions of consent/ construction certificate approval have been complied with.
 - d. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (DE044) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to the issue of the Occupation or Subdivision Certificate.

- (10) (DE051) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation or Subdivision Certificate.
- (11) (DE052) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (12) (DE053) Prior to the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (13) (DE056) All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to;
 - Release of the security bond to guarantee completion of public worksCouncil will undertake random audit of work sites to verify compliance of public works as required.
- (14) (DE065) Landscaped areas being completed prior to issue of the Occupation Certificate.
- (15) (DE072) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure. Any alterations to or relocation of street lighting to be approved in writing from Port Macquarie-Hastings Council.
- (16) (DE073) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (17) (DE077) Prior to the issue of an Occupation Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Port Macquarie-Hastings Council.
- (18) (DE080) Lodgement of a security deposit with Council upon practical completion of the subdivision works equivalent to 10% of all engineering works required on public property as assessed by the Director of Infrastructure. The security deposit shall be held for a minimum maintenance period of twelve (12) months following issue of subdivision certificate, prior to formal acceptance of the work by Council.
- (19) (DE095) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications and an Asset Return. 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 any Occupation Certificate.

- (20) (DE195) The plant deck requires the installation of a 2100mm noise attenuation barrier, refer to the Reverb Acoustic report for relevant details.
- (21) (DE196) All plant installed on the plant deck is to comply with the requirements of the acoustic consultant, refer to Reverb Acoustic report dated 26 March 2010.
- (22) (DE197) Occupation of the premises shall not occur until:
- a. A registration application has been submitted to Council's Environmental Health Unit for the Food Premises, and
 - b. Notification of the food premises to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website www.foodnotify.nsw.gov.au
- Evidence of compliance of the above shall be submitted to Council prior to commencement of business.
- (23) (DE198) A final site inspection relating to the works carried out on the food premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (24) (DE199) The splay required on the corner of Gore & Bridge Streets shall be dedicated as public road prior to the issue of any occupation certificate.

F - OCCUPATION OF THE SITE

- (1) (DF003) All driveways, visitor parking spaces and turning areas shall be kept clear of obstructions at all times.
- (2) (DF006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (DF009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (DF010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (DF018) Offensive odours shall not be generated by the development.
- (6) (DF023) The development is to be conducted in accordance with the noise impact statement prepared by Reverb Acoustics (Ref 10-1437-IL) and dated 26 March 2010.
- (7) (DF024) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (8) (DF025) Liquid materials are to be stored in roofed and imperviously bund area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (9) (DF030) Offensive noise shall not be generated as a result of the operation of the development.
- (10) (DF031) Hours of operation of the development are restricted to the following hours:
 - 7.30 am to 8.00 pm – Mondays to Fridays
 - 8.00 am to 4.00 pm - Saturdays
 - 8.00 am to 1.00 pm Sunday & Public Holidays
- (11) (DF034) All trade waste discharged into Council's sewerage system is to meet the following minimum acceptance limits: BOD₅ and suspended solids at 600mg/L each;

temperature at 38⁰C; pH within the range 7.0 to 9.0; oil and grease at 100mg/L. All detergents are to be biodegradable.

Note: All roof, rain surface, flood, seepage and subsoil water is prohibited for discharge into Council's sewerage system.

- (12) (DF038) An emergency spill response kit must be maintained on-site at all times to prevent spills of liquid chemicals, oils or hydrocarbons from entering the trade waste system or stormwater system.
- (13) (DF195) Adequate waste storage and collection services are to be provided to ensure health is protected and amenity maintained.
- (14) (DF196) The automatic "Parking Availability" signage shall be operational at all times that the parking areas are in use.

G - ADVICE

- (1) (DG001) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC Specifications. Some of the issues to be discussed and incorporated in the design plans include, but are not limited to, the following:
 - Sewer
 - civil works along the frontages of Gore and Bridge Streets in accordance with approved concept plans currently held at Council (Ref: CW-POR-019).
- (2) (DG008) Workcover require worksites to be provided with a restrictive barrier to limit access in accordance with Cl. 235 of 'The Occupational Health and Safety Regulations 2001'. Design specifications are available from Workcover. Where such barrier will encroach upon public land, an application for approval is to be lodged with Council.
- (3) (DG022) 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.
- (4) (DG023) In respect of applications for other than separate Class 1 buildings, applicants are 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 property, 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.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
- (5) (DG026) 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, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent is required. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks

- (6) (DG028) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (7) (DG030) 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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (8) (DG195) The architects associated with the development should be advised of the need for the provision of building recesses or other suitable locations for water meter, fire service and (if required) a fire hydrant booster system and be aware of the scale and aesthetics of the metering installations.
- (9) (DG196) The individual metering of each tenancy is recommended. Should this be required then contact is to be made with Council's Water Supply Section prior to finalization of hydraulic plans.
- (10) (DG197) Any modification to the plant deck requires reference to the Reverb Acoustic report prior to work commencing.

ATTACHMENT C

CONDITIONS OF CONSENT: 2009NTH016 - Port Macquarie-Hastings Council – DA 2009/0474 - Construction of 4 storey residential flat building - 27 Pacific Drive, Port Macquarie

A - GENERAL MATTERS

- (1) (DA001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Basement and mezzanine plan	Drawing No. 0401_DA01_A	Chris Jenkins Design	1/6/10
Ground floor plan	Drawing No. 0401_DA02_B	Chris Jenkins Design	1/6/10
South, north and east elevation	Drawing No. 0401_DA_05_B	Chris Jenkins Design	1/6/10
Sections and west elevation	Drawing No. 0401_DA_06_B	Chris Jenkins Design	1/6/10
Level 1 and 2 floor plan	Drawing No. 0401_DA_03_B	Chris Jenkins Design	22/7/09
Level 3 floor plan	Drawing No. 0401_DA_04_B	Chris Jenkins Design	22/7/09
Landscape Design Report		Rupert G.H Milne Home Landscape Consulting	28/5/10
Landscape principles elevations	Drawing No. 1003_2A	Rupert G.H Milne Home Landscape Consulting	28/5/10
Landscape principles plan	Drawing No. 1003_1A	Rupert G.H Milne Home Landscape Consulting	28/5/10

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) (DA002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (DA003) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DA005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate, submission of a Strata linen plan and completion of the development in accordance with the terms and conditions of this consent prior to issue of strata certificate. The plans submitted with the strata certificate

are to ensure two (2) visitor car parking spaces are part of common property and not assigned to individual units. The accessible space is to be allocated the adaptable unit.

- (5) (DA006) 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 development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (6) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent 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 Construction Certificate. 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
- (7) (DA009) The provision of additional roads and stormwater works within the road reserve or Council's land at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of conditions of this consent. The extent of works required for this development will be determined by Council in conjunction with assessing the application under the Roads Act. Design plans for any such works are to be incorporated in the design for other roads and stormwater systems required for this development.
 - (8) (DA010) The developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.
 - (9) (DA013) The applicant 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 consent relates,
 - (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 consent,
 - (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 or Section 138 of the Roads Act.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is the estimated cost plus 30% for building development of public works or \$5000 whichever is the greater of carrying out the development ,by way of:

- (a) deposit with the Council, or
- (b) an unconditional bank guarantee in favour of the Council.

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.”

- (10) (DA036) The submission with the application for approval pursuant to Section 138 of the Roads Act of a Plan of Management for any works for the development that impact on any public roads and public land for the construction phase of the development. The plan is to include a Traffic Management Plan and/or Environmental Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. The Traffic Control component of the plan is to be designed in accordance with Australian Standard 1742.3 – 2002 RTA “Traffic Control at Worksite Manuals” detailing the location of proposed Work Zone area (Construction Zone) plan, prior to the erection of any 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 Traffic Control layout plans shall be RTA accredited or equivalent.
- (11) (DA037) The provision of a footway and gutter crossing in accordance with Council’s Development Control Plan No 18. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (12) (DA038) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Hill Street and Pacific Drive a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD 103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (13) (DA042) All construction buildings, site fencing/hoarding and materials are to be wholly enclosed within the development site. Approval pursuant to Section 138 of the Roads Act, 1993 for hoardings over public property is to be obtained from Port Macquarie-Hastings Council prior to commencement of any works. At all times the public road is to be free from extraneous building material allowing unobstructed pedestrian movement.
- (14) (DA048) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council’s current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (15) (DA052) Roof and surface waters (including from any rainwater tank) are to be disposed of to the:
 - street watertableby means of sealed pipes complying with AS 3500.3. Where Council’s kerb and gutter is penetrated such penetration shall be by a Council approved kerb adapter.

Temporary down pipes shall be connected as soon as the roof has been covered and directed so as not to cause a nuisance to adjoining property owners.
- (16) (DA057) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption or deterioration of any other property is not permitted.
- (17) (DA066) All water, sewer and stormwater services necessary to service the development must be provided in accordance with Council’s requirements. All services are to be designed and constructed in accordance with Council’s AUSPEC Specifications. Council pursuant to Section 68 of the Local Government Act must approve the design plans for the required services.
- (18) (DA097) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition

works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – Code of Practice for Safe Removal of Asbestos and its Code of Practice for the Management and Control of Asbestos in the Workplace.

- (19) (DA195) Limited sight distance is provided at the base of the carpark ramp. Appropriate measures (mirrors, etc.) shall be placed to improve vehicle sight lines within the carpark facility. In addition, the carpark should be gated to minimize vehicle conflicts. Appropriate measures shall be approved by Council prior to Construction Certificate.
- (20) (DA196) Individual water meters are to be provided for each unit. These may be located at each unit with a centralised electronic reading console and with a master water meter at the property boundary, or alternatively, individual 20mm water meters may be provided at the road frontage. If there are separate outdoor water service requirements, then an additional water meter will be required for the general use areas.
- (21) (DA197) The final water service sizing will need to be determined by a hydraulic consultant to suit the domestic side of the development, as well as fire service requirements to AS 2419. Remember that any basement sewer pump-out systems will require additional water supply backflow prevention devices. Any rainwater tank re-use or potable water top-up system and related protection requirements are to be detailed on the hydraulic plans.
- (22) (DA198) The footway area fronting the development in both Pacific Drive and Hill St shall be regraded to ensure crossfall is from the boundary line to the kerb is in accordance with Port Macquarie Hastings Council current AUSPEC Specifications. A 1.2 m wide pedestrian footpath is required for the full frontage of the development (along Pacific Drive and Hill Street) AND kerb ramps within Hill Street (north and south) located at the intersection of Pacific Drive. Such work is to be completed and approved by Council prior to issue of occupation certificate.
- (23) (DA199) A 1 metre clear distance is required around any vertical inspection shaft and any manhole.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DB001) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - a. has been informed in writing of the licensee's (Builder's) name and contractor licence number, and
 - b. is satisfied that the licensee (Builder) has complied with the requirements of Part 6 of that Act.

A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is sufficient evidence that the person has complied with this requirement.

Where it is proposed to undertake residential building work (within the meaning of the *Home Building Act 1989*) as an owner builder such work must not be carried out unless the Principal Certifying Authority for the development to which the work relates has provided a copy of an Owner-Builder Permit (OBP) for the work, if the accepted development costs exceed \$5,000.

- (2) (DB004) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments;

15. Earthworks, including filling of the land for flood protection in accordance with;
 - a. AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
16. Public parking areas including;
 - Driveways and access aisles;
 - Parking bays;
 - Delivery vehicle service bays & turning areas
 in accordance with AS/NZS 2890.1
17. 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.
18. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
19. Retaining walls in accordance with;
 - a. AUSPEC Design Specification D3, Port Macquarie-Hastings Council current version.
20. Stormwater systems in accordance with;
 - a. AUSPEC Design Specification D5 & D7, Port Macquarie-Hastings Council current version.
21. Erosion & Sedimentation controls in accordance with AUSPEC D6 & D7, Port Macquarie-Hastings Council current version.
22. Location of all existing utility services including;
 - Conduits for electricity supply and communication services.
 - Water supply
 - Sewerage
 - Stormwater
23. Detailed driveway profile in accordance with AUSPEC Design Specification AS/NZS 2890.1 and Australian Standard Drawings ASD ASD 207, Port Macquarie-Hastings Council current version.

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

11. Provision of a 1.2 m concrete footpath across the full road frontage of the property.

- (3) (DB009) 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 plans.
- (4) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies and Council's adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for construction certificate.

The plan shall include measures to:

- i. Prevent site vehicles tracking sediment and other pollutants from the development site.
- j. Dust control measures.
- k. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.

I. Contingencies in the event of flooding.

- (5) (DB013) The submission with the Section 138 Roads Act application to and approval by Council of details for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

Details are to be provided with the application for approval pursuant to Section 138 of the Roads Act 1993.

- (6) (DB023) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed structures supporting the public road or retaining walls on the road boundary is to be submitted with the application pursuant to Section 138 of the Roads Act.
- (7) (DB033) The design and construction of the carpark and accesses in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided prior to issue of the Construction Certificate.
- (8) (DB035) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted to the Principal Certifying Authority for approval. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.
- (9) (DB036) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (10) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (11) (DB040) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (12) (DB045) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. 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 Major Roads Contributions Plan
 - Hastings S94 Open Space Contributions Plan
 - 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.

- (13) (DB195) Limited sight distance is provided at the base of the carpark ramp. Appropriate measures (mirrors, etc.) shall be placed to improve vehicle sight lines within the carpark facility. In addition, the carpark should be gated to minimize vehicle conflicts. Appropriate measures shall be approved by Council prior to Construction Certificate.
- (14) (DB196) All sewage from the development is to be discharged to a new or existing manhole.
- (15) (DB197) The plans submitted with the application for Construction Certificate shall identify incorporation of all energy efficient and water use measures in the construction of the building in accordance with BASIX Certificate No 282139M.
- (16) (DB198) A Design Certificate is to be provided with the application for Construction Certificate in accordance with Section 143A of the Environmental Planning and Assessment Regulation 2000.
- (17) (DG026) 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, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent is required. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC001) Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.
- (2) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (3) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (DC004) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (5) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (6) (DC010) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

- e. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- f. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) (DC013) Signage must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - g. stating that unauthorised entry to the work site is prohibited.
 - h. showing the name of the principal contractor in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - i. the name and contact details of the principal certifying authority responsible for the site

Any such signage is to be removed when the work has been completed.

- (8) (DC015) If the work involved in the erection or demolition of a building:
 - c. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - d. building involves the enclosure of a public place,

a hoarding complying with DCP No. 41 - Building Construction and Site Management or a fence which will prevent the unauthorised entry of persons onto the site must be erected between the work site and any public place.

Such hoarding/fencing shall be located within the property boundaries. The location of hoardings/fencing on public land is not permitted unless specific approval under Section 138 of the Roads Act, 1993 has been granted by Council.

- (9) (DC020) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.
- (10) (DC021) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (11) (DC027) Prior to the any works commencing on the site a Demolition Waste Management Plan shall be prepared and submitted to Council. Such plan is to detail the nature and volume of all demolition wastes and shall detail the methods disposal of wastes. No work shall commence on the site until the management plan has been approved by Port Macquarie-Hastings Council.

D - DURING WORK

- (1) (DD002) Development 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:
 - z. prior to commencement of site clearing and installation of erosion control facilities;
 - aa. at completion of installation of erosion control measures
 - bb. prior to installing traffic management works
 - cc. at completion of installation of traffic management works
 - dd. at the commencement of earthworks;

- ee. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- ff. before pouring of kerb and gutter;
- gg. prior to the pouring of concrete for sewerage works and/or works on public property;
- hh. on completion of road gravelling or pavement;
- ii. 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 AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

Council will undertake random audits of work sites to verify compliance of public works as required.

- (2) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (3) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
 - Monday to Saturday from 7.00am to 6.00pm
 - The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (DD028) 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.
- (5) (DD035) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (DD036) The site shall be left free of wastes and debris following completion of the demolition work.
- (7) (DD037) Dust or airborne particles shall not be allowed to escape from the site. The use of fine mesh dust proof screens, fine water sprays or other approved methods are required.
- (8) (DD038) In buildings constructed prior to 1970, all existing accumulations of dust (eg in ceiling voids, wall cavities, walls, floors etc) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air filter.
- (9) (DD039) Demolition works performed on buildings with materials containing asbestos or lead shall be carried out strictly in accordance with the requirements of the Workcover Authority and National OH&S Committee – *Code of Practice for the Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.
- (10) (DD040) All asbestos and lead wastes shall be sealed and disposed of in labelled plastic wrapping or bags at Council's Waste Management Facility in accordance with the directions of the Facility Manager. Arrangements are to be made with Council's Services Division prior to disposal.
- (11) (DD041) All demolition waste is to be disposed of at the Council Waste Management Facility.
 At the completion of demolition activities, Waste Management Centre weighbridge dockets are to be provided to Port Macquarie-Hastings Council to demonstrate compliance with this condition.
- (12) (DD044) 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.

- (13) (DD047) 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.
- (14) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (15) (DA082) Adverse dust nuisance to any neighbouring residential properties shall not be generated as a result of the construction of the development.

E - PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (DE001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE005) 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.
- (3) (DE033) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Occupation Certificate or commencement of the approved land use.
- (4) (DE038) Prior to the issuing of the Occupation 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 have been satisfactorily completed.
- (5) (DE040) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan No. 18 and Australian Standard 2890.1 prior to issue of the Occupation Certificate.
- (6) (DE045) At the completion of works on private property certification is to be provided to Port Macquarie-Hastings Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.
- (7) (DE051) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation or Subdivision Certificate.
- (8) (DE052) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (9) (DE053) Prior to the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (10) (DE065) Landscaped areas being completed prior to issue of the Occupation Certificate.
- (11) (DE072) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure. Any alterations to or relocation of street lighting to be approved in writing from Port Macquarie-Hastings Council.
- (12) (DE073) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of

Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- e. The relocation of underground services where required by civil works being carried out.
 - f. The relocation of above ground power and telephone services
 - g. The relocation of street lighting
 - h. The matching of new infrastructure into existing or future design infrastructure
- (13) (DE077) Prior to the issue of an Occupation Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Port Macquarie-Hastings Council.
- (14) A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, in accordance with clause 154A of the Environmental Planning and Assessment Regulation 2000.

F - OCCUPATION OF THE SITE

- (1) (DF006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.

G - ADVICE

- (1) (DG022) 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.
- (2) (DG023) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
- o Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - o A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, 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.
 - o Complete details of any fire service, booster pump or irrigation system installation.
- (3) (DG028) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (4) (DG195) Records indicate that Lot 5 has a 20mm water service. This development can be served from the 150mm PVC water main on the opposite side of Hill Street. The 150mm ductile iron water main on the same side of Pacific Drive will not be available for connection.
- (5) (DG196)The aesthetics of the fire hydrant metering and (if required) booster arrangement should be considered by the architect in regard to screening and location whilst maintaining access acceptable to the NSW Fire Brigades.

- (6) (DG197) The applicant is advised to contact Councils Technical Services Section prior to design of civil works within the public road required by this consent to ensure design accords with any future plans that may be Council approved.