

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT PORT MACQUARIE HASTINGS SHIRE COUNCIL ON WEDNESDAY 22 DECEMBER 2010 AT 1:33 PM

PRESENT:

Garry West	Chair
Pamela Westing	Member
John Griffin	Member
Mark Stocks	Member
Paul Drake	Member

IN ATTENDANCE

Ben Roberts	Development Assessment Planner, Port Macquarie-Hastings Council (PMHC)
Dan Croft	Manager, Building and Development Assessment, PMHC
Cliff Toms	Traffic Engineer, PMHC
David Troemel	Development Engineer, PMHC

APOLOGY: NIL

1. The meeting commenced at 1:33 pm. The chair welcomed everyone to the meeting of the Northern Region Joint Regional Planning Panel.

2. Declarations of Interest -

Nil

3. Business Item

- ITEM 1** 2010NTH019 - Port Macquarie-Hastings – DA 2010/0336 - Demolition of Dwelling & 53 Lot Subdivision, Lot 100 DP 1101027, 11 John Fraser Place, Port Macquarie

The assessment officer, Ben Roberts, provided an update on the development application, outlining that since the deferment of DA 2010/0336 at the 9 November meeting, the applicant has provided additional information which has been assessed by Council.

5. Public Submission -

Richard Mason	Addressed the Panel to raise concerns and spoke against the application
Michael Mowle, Director, Hopkins Consulting	Addressed the Panel in support of the application

6. Business Item Recommendation

- ITEM 1** 2010NTH019 - Port Macquarie-Hastings – DA 2010/0336 - Demolition of Dwelling & 53 Lot Subdivision, Lot 100 DP 1101027, 11 John Fraser Place, Port Macquarie

Moved Pam Westing seconded Mark Stocks:

That DA 2010/0336 – Demolition of Dwelling and 53 lot subdivision, 11 John Fraser Place be approved subject to the conditions recommended in the assessment report with the following amendments:

1. Additional condition to be added to Section B of the consent, to read:

'Upgrade of the intersection of Banksia Avenue and Lake Road to provide:

- a. Concrete splitter islands in Banksia Avenue and Lake Road;*
- b. Merge lane in Lake Road between Banksia Avenue and Pappinbarra Road*
- c. All associated line markings and signage, including 'no parking' signs required by the intersection upgrade*

The works be staged with Stage 1 (18 lots) providing the Banksia Avenue splitter island only, and stage 2, the remainder of the works to be completed.'

2. Additional condition to be added to Section E of the consent, to read:

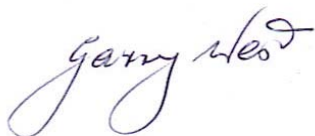
'Solid boundary fencing to the satisfaction of Council is to be provided along the full length of the southern boundary of the site.'

The Panel resolved by a majority 4:1 (for: Garry West, Pamela Westing, Mark Stocks, Paul Drake; against: John Griffin) to approve the development application 2010/0336.

MOTION CARRIED

The meeting concluded at 2.30 pm

Endorsed by



Garry West
Chair, Northern Region Joint Regional Planning Panel
23 December 2010

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED
CONDITIONS**

DA NO: 2010/336

DATE: 28/10/2010

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	-	Hopkins Consultants P/L	July 2010
Stormwater Strategy	A1-06	Hopkins Consultants P/L	8 September 2010
Sewer & Water Strategy	A1-05	Hopkins Consultants P/L	8 September 2010
Landscape Design Report	-	Rupert G H Milne Home	8 September 2010
Amended Landscape Principle Plans	File No: 1005	Rupert G H Milne Home	8 September 2010
Subdivision Layout with Trees	T01, T02 & T03	Hopkins Consultants P/L	8 September 2010
Subdivision Layout – Noise Controls	A1-03	Hopkins Consultants P/L	23 April 2010
Subdivision Layout – Staging	A1-04	Hopkins Consultants P/L	23 April 2010
Environmental Noise Impact Assessment	-	Acoustic Logic Consultancy	11 June 2010
Traffic Assessment Report	-	TPK & Associates Pty Ltd	April 2010

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) (DA004) Submission of a formal application for a Subdivision Construction Certificate and a Subdivision Certificate together with the payment of all relevant fees in accordance with Council's Management Plan.
- (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
- (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) (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.
 - (8) (DA011) The design and construction of all subdivision works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2006 which are prescribed at the time of commencement of engineering works.
 - (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) (DA016) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, are set out in Section H of this consent and form part of the consent conditions for this approval.
- NSW Rural Fire Service
- (11) (DA035) The provision of kerb and gutter, shoulder and associated road drainage in accordance with Council's adopted AUSPEC Specifications to the satisfaction of Director of Infrastructure Services. Any alternative cross-section along Lake Road frontage shall be approved by Council's Engineering section prior to Construction Certificate. All design plans must be approved by Council pursuant to Section 138 of the Road Act, 1993.
- (12) (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.
- (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) (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.
- (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) (DA071) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.
- (17) (DA082) Dust nuisance shall not be generated as a result of the undertaking of the development.

- (18) (DA083) Wastes including trees and vegetation shall not be disposed of by burning.
- (19) (DA099) The proponent shall provide electricity and telecommunication services in accordance with the requirements of the relevant authority.
- (20) (DA195) Provisions to construct traffic control measures at the Banksia Avenue & Farrer Parade intersection in accordance with TPK traffic assessment, April 2010. Design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (21) (DA196) **Where** there are water mains to be provided in roads not currently proposed for construction, then these roads are to be provided with a road design acceptable to Council's Development Engineer and then formed so that footpath areas are at the correct level and alignment to allow accurate placing of water mains. The details of temporary stormwater diversion on such partial road formations are to be provided with the engineering plans.
- (22) (DA199) Trees on the subject land, numbered 1,2,3,4,5,6,7,9,10, 12 and trees located on or close to the northern boundary numbered 21,22,23,24,25 and 26 as marked on the approved plans Sub-division Layout with Trees (T01) are to be retained.
- (23) (DA200) Trees on the subject land, numbered 8,11,13,14,15,16,17,18,19 , 20 ,26A,26B,26C,27A,27B,28,29,30,31 and 32 as marked on the approved plan Sub-division Layout with Trees (T01) are to be removed.
- (24) (DA201) Conditions apply to all stages unless specified or as agreed to by Council.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (DB002) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Construction Certificate detailed design plans for the following public infrastructure works associated with the developments:
 - 1. Road works along the frontage of the development in accordance with:
 - a. AUSPEC Design Specification D1 & D2, Port Macquarie-Hastings Council current version.
 - 2. New roads within the subdivision in accordance with AUSPEC Design Specifications – Port Macquarie-Hastings Council current version.
 - 3. Earthworks, including filling of the land for flood protection in accordance with
 - a. AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
 - 4. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
 - 5. Water supply reticulation in accordance with AUSPEC Design Specification D11, Port Macquarie-Hastings Council current version.
 - 6. Retaining walls in accordance with;
 - a. AUSPEC Design Specifications D3, Port Macquarie-Hastings Council current version.
 - 7. Stormwater systems in accordance with
 - a. AUSPEC Design Specifications D5 & D7, Port Macquarie-Hastings Council current version.
 - 8. Erosion & Sedimentation controls in accordance with AUSPEC D6 & D7, Port Macquarie-Hastings Council current version.
 - 9. Location of all existing utility services including:
 - a. Conduits for electricity supply and communication services.
 - b. Water supply

- c. Sewerage
 - d. Stormwater
10. Detailed intersection layout at the junction of Banksia Avenue & proposed road in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.
11. A stormwater maintenance plan for the proposed stormwater drainage facilities must be prepared and submitted as per the requirements of AUSPEC D7 (see appendix A Table D7A-4).
- (2) (DB003) Road network within the subdivision is to be categorised with carriageway width as follows: *(enter width in No. metres in relevant column)*

Road No.	Road Width (Metres)					
	Shareway	Access	Local	Collector	Commercial	Industrial
	Road (Shareway Road) 5.0 metres	Road (Cul-de-sac Roads) minimum 5.5 metres				

- (3) (DB007) The provision of additional civil works at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Subdivision Construction Certificate.
- (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) (DB023) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining walls is to be submitted with the application for the Construction Certificate.
- (7) (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 Subdivision 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) (DB041) The connection of the proposed new lots to the sewerage system in accordance with Council's AUSPEC Specifications. The design plans must be approved by Council prior to the issue of a Subdivision Construction Certificate.
- (10) (DB195) Landscaping plans shall be amended to detail the proposed works on the Council owned land, LOT 103 DP 1115201 (adjacent to LOT: 100 DP: 1101027) including the batter restoration and plantings proposed by the applicant which are to be approved by Council.
- (11) (DB196) A tree protection plan to prevent damage to trees and other vegetation (including their root systems) during site works and construction for all existing trees and vegetation to be retained including trees located on or close to the property boundaries that portrays the location and specifies minimum setback distance for the erection of tree protection fencing compliant with Australian Standard AS4970/2009 Protection of trees on development sites with particular attention to Section 4. Tree Protection Measures is to be submitted and approved by Council prior to issue of construction certificate. Details of tree protection measures and their locations must be indicated on all architectural and engineering site plans to be submitted with construction certificate.
- (12) (DB197) A detailed landscape plan and maintenance schedule for the regular cultural care and maintenance requirements for advanced street tree plantings and other plantings associated with the landscape principles plan is to be submitted and approved by Council prior to the issue of construction certificate.
- (13) (DB198) Compensatory provisions for the trees removed as a result of the development are to be made. In this regard twenty-two (22) koala food tree species such as Tallowwood *Eucalyptus microcorys*, Blue Gum *Eucalyptus saligna*, Grey Gum *Eucalyptus propinqua* or Swamp mahogany *Eucalyptus robusta* are to be planted in the drainage reserve and site perimeter screen plantings.
- (14) (DB199) A detailed stormwater drainage design must be provided prior to the issue of a Construction Certificate and submitted for approval pursuant to Section 68 of the Local Government Act, 1993. The design must be prepared in accordance with Council's AUSPEC Specifications and be prepared to make provision for the following:
- a) The design must be generally in accordance with the stormwater drainage concept plan prepared by Hopkins Consultants and dated 23 April 2010 (Revision A).
 - b) The system shall be designed to ensure that the development does not increase the potential for downstream flooding or increase erosion via an increase in the frequency of bank-full stormwater flows. Stormwater detention facilities shall be incorporated into the design where required to ensure compliance with these requirements.

Where the above necessitates an increase in storage volume over that indicated on the Development Application plans, the size of the drainage reserve area must be increased to ensure that all treatment facilities can be contained on-site without compromising Council's AUSPEC Specifications.
 - c) The design shall be supported by relevant design calculations and justification to demonstrate functionality and compliance of the system with Council's AUSPEC Requirements and the conditions of this consent.

In relation to the proposed water quality treatment system (bioretention system), please note that MUSIC Modelling is to be used for Concept design only. Detailed design of the various aspects of the bioretention system must be undertaken in accordance with current industry best practise design procedures (for examples see Health Waterways publication: *Water Sensitive Urban Design: Technical Design Guidelines for South East Queensland, June 2006*, or Upper Parramatta River Catchment Trust's: *WSUD Technical Guidelines for Western Sydney, 2004*). Please contact Council's Stormwater Drainage Engineer for information should clarification be required in this regard.

- d) Plans must demonstrate that the bioretention system is free draining.
 - e) Batter slopes must be amended to comply with AUSPEC Specifications
 - f) The design for the proposed bioretention system detail the following at a minimum:
 - All information as required by Appendix A of AUSPEC D5, plus
 - Extended detention depth,
 - Maintenance access,
 - Scour protection
 - Spillway details
 - Filter media and underdrain specifications and sections.
 - Vegetation/Landscaping
 - Lining material
 - g) All stormwater retention structures, if required, shall be designed so as to not require prescription by the NSW Dam Safety Committee (DSC). As the proposed bioretention system will detain water above the adjacent downstream road level, the designer must consult with the NSW Dam Safety Committee regarding the potential need for the proposed basin to be 'prescribed' by that authority and amend the design as necessary. Written confirmation that the design does not require prescription must be submitted to Council with the Construction Certificate Application.
- (15) (DB199) The bioretention basin must be fully vegetated, functional and clear of sediment when handed over to Council at the completion of works. A stormwater works staging plan must be prepared for the proposed stormwater treatment system servicing the site and submitted with the application for construction certificate. The plan must delineate the proposed construction staging of the bioretention system having regard for the staging of the subdivision and likely timeframe for construction of dwellings at the site.
- The plan shall demonstrate how the system will be protected from damage and sedimentation during the early stages of subdivision and dwelling construction and nominate suitable timings for maintenance intervention.
- (16) (DA038) The provision at no cost to Council of a concrete foot paving through the site connecting Banksia Avenue frontage to the existing bus stop on Lake Road. Foot paving shall be 1.5 metre wide and is required with design details in accordance with AUSPEC and Council Standard drawings including ASD 100, 102, and 103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act and prior to the issue the Construction Certificate for infrastructure works.
- (17) (DA046) The provision of a concrete driveway 4.5 metres wide and services within a minimum six (6) metre wide carriageway; such access is to be the full length of the battleaxe within Lots 51 and 52. The design plans must be in accordance with

Council's Development Control Plan 17 and AUSPEC Specifications and be approved by Council prior to the issue of a Construction Certificate.

- (18) (DA055) The submission to Council of stormwater drainage details in accordance with Council's Development Control Plan No 17 and AUSPEC Specifications D5 and/or D7 where relevant. Where the details relate to subdivision works the details are to be approved prior to the release of the Subdivision Construction Certificate. Where the details relate to the erection of a building the details are to be lodged with Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act.

- (19) (DA072) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.

- (20) (DA197) Council requires that the Landscape Principle plan and Landscape design report Page 6 Palette of Species to be amended to exclude the tree species Flamboyant Tulip tree due to potential as an invasive exotic weed tree species.

- (21) (DA198) Council requires the specification Super-Advanced tree planting in plant grass pit detail Page 8 of the Landscape design report to be amended to include the conditions within the following: PMHC Street Tree Planting Conditions NATSPEC Advanced tree stock. NATSPEC compliant trees are not to be staked nor should backfill soil be mixed with spent mushroom compost.

- (22) Upgrade of the intersection of Banksia Avenue and Lake Road to provide:

- a. Concrete splitter islands in Banksia Avenue and Lake Road;
- b. Merge lane in Lake Road between Banksia Avenue and Pappinbarra Road
- c. All associated line markings and signage, including 'no parking' signs required by the intersection upgrade

The works be staged with Stage 1 (18 lots) providing the Banksia Avenue splitter island only, and stage 2, the remainder of the works to be completed.'

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) (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.

- (6) (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 building work carried out inside an existing building.

- (7) (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.
- (8) (DC195) Council approved tree protection plan including tree protection fencing compliant with Australian Standard AS4970/2009 Protection of trees on development sites with particular attention to Section 4. Tree Protection Measures is to be erected prior to commencement of any works on site and must remain in place until all works are complete. No building materials or other items is to be placed or stored within fenced off areas.
- (9) (DC196) Monitoring and certification by the project arborist with the minimum qualification Australian Qualification Framework (AQF) Level 5 Diploma Arboriculture is required at the early stages of development including initial site preparation to ensure compliance with consent conditions, Identify and clearly mark trees approved for removal, establish and delineate tree protection zones (TPZ) and oversee and provide certification of installation of tree protection measures compliant with approved tree protection plan to be submitted and approved by Council prior to issue of construction certificate and during site establishment to locate temporary infrastructure to minimize impacts on retained trees and maintain tree protection measures.
- (10) Solid boundary fencing to the satisfaction of Council is to be provided along the full length of the southern boundary of the site.'

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:
 - a. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures

- c. at completion of installation of traffic management works
- d. at the commencement of earthworks;
- e. before commencement of any filling works;
- f. when the sub-grade is exposed and prior to placing of pavement materials;
- g. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- h. at the completion of each pavement (sub base/base) layer;
- i. before pouring of kerb and gutter;
- j. prior to the pouring of concrete for sewerage works and/or works on public property;
- k. on completion of road gravelling or pavement;
- l. during construction of water infrastructure;
- m. 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) (DD005) Unless approved by Council prior to an Construction Certificate, the slope of the cut/fill batter shall not exceed 1:4. Any proposed batters steeper than 1:4 shall be minimised and planted with low maintenance vegetation and approved by Council's Park & Gardens & Development Engineering section prior to any Construction Certificate. All batters shall be stabilised with plantings and maintained in a neat state. The batter to any stormwater control device shall not exceed 1:8 unless provided with adequate safety fencing in accordance with Council's adopted AUSPEC Design and Construction Guidelines.
- (3) (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.
- (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) (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.
- (7) (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*.
- (8) (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.

- (9) (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.
- (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) Trees approved for removal are to be directionally felled as to not damage other trees and vegetation to be retained.
- (14) (DD196) Tree debris as a result of approved tree removal are to be disposed of in an environmentally sustainable manner by chipping or to be recycled as green waste and no to be heaped up and burnt.
- (15) (DD197) A suitably qualified ecological consultant or representative of FAWNA shall inspect all trees approved to be removed before they are felled. If there is any residing fauna such as koala or other fauna species in the tree, work in the vicinity is to cease until the animal/s has moved from the area.
- (16) (DD198) Street tree planting is to be implemented with each stage release of the approved development with an appropriate maintenance schedule approved by council, Street trees are to be advanced container stock 200litre for large street trees and 100litre for small street trees conforming to NATSPEC "Specifying Trees" and planted in compliance with the PMHC- Street tree Planting Conditions NATSPEC Advanced Tree Stock detail with certification from the project Arborist.
- (17) (DD199) Monitoring and certification by the project Arborist with the minimum qualification Australian Qualification Framework (AQF) Level 5 Diploma Arboriculture is required during construction stages of development including but not limited to supervision and monitoring to maintain and amend tree protection measures, oversee and undertake remedial tree works e.g. root pruning during excavation within tree protection zone (TPZ) of existing trees to be retained for services along western boundary, oversee implementation of hard and soft landscaping works, advanced street tree planting and cultural care. At the practical completion of the development to remove all tree protection measures and undertake any final remedial tree works. Provide certification at the completion of the maintenance period and of the condition of existing trees retained and advanced street tree plantings.

E - PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (DE004) Where any permanent control marks are placed in accordance with the Survey Regulation 2006 in the preparation of the plan, two (2) copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of

subdivision. Any permanent control marks destroyed are to be replaced in accordance with the Survey Regulation 2006.

- (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) (DE006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Council, in accordance with the approved Construction Certificate.
- (4) (DE037) All public roads are to be constructed in accordance with approved construction plans and Council's current AUSPEC Specifications and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- (5) (DE043) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (6) (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.
- (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) (DE056) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC, prior to the issue of the Subdivision Certificate.
- (9) (DE065) Landscaped areas being completed prior to issue of the Subdivision Certificate.
- (10) (DE071) Provision of street lighting to all new roads and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Evidence by way of letter from the electricity authority, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard or prestige street lighting is to be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads.
- (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:

- 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
- (13) (DE076) Prior to the issue of a Subdivision 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.
- (14) (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.
- (15) (DE083) The registration of a reciprocal right of carriageway and easement for services and maintenance over those parts of the lots common to both. Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (16) (DE085) Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.
- (17) (DE086) The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by payment of all relevant fees in accordance with Council's Management Plan, and original plan of subdivision together with 7 copies with associated 88B instruments, where necessary.
- (18) (DE087) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- a. Prohibiting direct vehicular access to and from Lake Road & John Fraser Place.
- (19) (DE089) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for drainage purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (20) (DE091) The area identified as proposed road-widening land under Council's control is to be dedicated to Council for road widening. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (21) (DE092) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (22) (DE094) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:
- The surface levels of the allotments created and any other area filled or reshaped as part of the development
 - compaction testing carried out to Level 2 of Appendix B AS 3798;

- standard penetration tests and calculated N values;
 - bore logs
 - site classification of all allotments in accordance with AS 2870.1. 1987 - *Residential Slabs and Footings*.
- (23) (DE096) All subdivision works must be in accordance with Development Code DCP 17 and approved by Council prior to the issue of a Subdivision Certificate.
- (24) (DE097) Prior to the issuing of the Subdivision Certificate, provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (25) (DE195) The proposed works on Council owned land adjacent to LOT: 100 DP: 1101027 by the applicant including landscaping and the demolition of two sheds is to be completed to the satisfaction of the Sewerage Manager.
- (26) (DE197) A restriction as to user under Section 88B of the Conveyancing Act, 1919 shall be placed on the titles of the proposed lots affected by the external night time noise levels exceeding the recommended 50 dB(A). The lots affected are proposed lots 21, 22, 27-45, 51-53, 46-49. The restriction shall specify that the dwellings on these lots are to be designed to achieve the criteria as detailed in the Environmental Noise Impact Assessment prepared by Acoustic Logic Consultancy, dated 11 June 2010.
- (27) (DE198) A restriction as to user under Section 88B of the Conveyancing Act, 1919 shall be placed on the titles of the proposed lots affected by the external night time noise levels exceeding the recommended 50 dB(A). The lots affected are proposed lots 21, 22, 27-45, 51-53, 46-49. The restriction shall specify that prior to Council or the Principal Certifying Authority issuing a Construction Certificate or Complying Development Certificate a report shall be submitted to the Principal Certifying Authority certifying that the external night time noise levels achieve the recommended level of 50 dB(A) L_{eq} (9 hour) or certifying that the building design achieves the required internal night time noise levels in accordance with AS/NZS 2107:2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.
- (28) (DB045) Payment to Council, prior to the issue of the Subdivision 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.

F - OCCUPATION OF THE SITE

nil

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
- (2) (DG019) Provision to each unit of a separate sewer line to Council's main.

If the dwellings are to be located on separately titled blocks, then Council's main sewer line (which is a minimum of 150mm diameter) will need to be extended to a point within each block. This extension will need to comply with the requirements of Council's subdivision code.
- (3) (DG021) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (4) (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 Subdivision 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
- (5) (DG027) Extension or modification of the town water supply system where necessary to serve the development, at no cost to Council.
- (6) (DG028) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (7) (DG029) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision Certificate. The copyright for all information supplied, shall be assigned to Council.
- (8) (DG033) Provision to each lot of a separate sewer line to Council's main.
- (9) (DG195) Existing water mains are a 100mm AC main along the western side of Banksia Avenue and a 150mm PVC water main on the north (opposite) side of Lake Road. The water main layout proposed with the development application is acceptable in principle with a 150mm water main connection to around No. 159-161 Lake Road through the drainage reserve. Final details are to be addressed with the engineering

plans. Only Stage 1 can be provided with a water supply from Banksia Avenue. With the Lake Road connection being required for subsequent stages.

- (11) (DG196) The applicant be advised that the cul-de-sac in Banksia Avenue shall be constructed south of the area of influence of the Banksia Avenue and proposed entry road intersection. Details shall be provided prior to any Construction Certificate.

H - NSW RURAL FIRE SERVICE

Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- (1) At the issue of subdivision certificate and in perpetuity the entire property shall be maintained as an asset protection zone (APZ) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

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

Access

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

- (3) Public road access shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property during a bush fire and for occupants faced with evacuation.

- (4) Property access roads shall comply with Section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.