

# FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS TO JOINT REGIONAL PLANNING PANEL - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2011/268

DATE: 28 September 2011

## **PRESCRIBED CONDITIONS**

Part 6 – Division 8A of the *Environmental Planning & Assessment Regulations 2000*

- (1) (P001) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) (P003) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the principal certifying authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **A – GENERAL MATTERS**

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	Primary Health Care Limited	Hopkins Consultants	May 2011
Site Plan	509.00.01 Issue D	Tim Shellshear & Associates Architects Pty Ltd	29 July 2011
Basement Level Plan	509.10.01 Issue B	Tim Shellshear & Associates Architects Pty Ltd	29 July 2011
Ground Floor Plan	509.10.02 Issue E	Tim Shellshear & Associates Architects Pty Ltd	8 August 2011
Elevations & Sections Sheet 1	509.20.01 Issue C	Tim Shellshear & Associates Architects Pty Ltd	29 July 2011

Elevations Sheet 2	509.20.2 Issue B	Tim Shellshear & Associates Architects Pty Ltd	29 July 2011
Traffic Impact Assessment As Amended	11080	Transport & Traffic Planning Associates	May 2011
Noise Impact Assessment	0142310_Rpt01	Environmental Resources Management Australia	September 2011
Landscape Plan	11221 LP 01 Revision D	Leauchars Partners Landscape Architecture	22 September 2011

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) (A002) 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) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2011 which are prescribed at the time of commencement of engineering works.
- (4) (A017) A separate development application for the pylon signs and any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (5) (A019) 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:
- Extension To Council's piped stormwater drainage infrastructure to the frontage of the site from Hilltop Crescent shall be consistent with the proposed future alignment of Hastings River Drive.
- (6) (A031) 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.

Such works include, but not be limited to:

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

- Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access
  - Other Stormwater drainage works, road works
- (7) (A032) 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) (A033) 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 doing 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 is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/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:

- i. deposit with the Council, or
- ii. 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.

- (9) (A036) Any interruption to the natural overland flow of stormwater drainage, which could result in the disruption or deterioration to any other property is not permitted.
- (10) (A042) 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.

- (11) (A045) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (12) (A050) 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.
- (13) (A055) Existing water services no longer required are to be disconnected at the main and a request for this service is to accompany the application for water meter hire.
- (14) (A062) 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.
- (15) (A195) The sewer main east from the manhole serving the development site along Hastings River Drive and then turning into the development site is to be removed and disposed of. The developer to pay for all relocation, removal & disposal. Council can quote for this work (if resources permit) or a registered contractor permitted to work on Council infrastructure may be used. Details are to be provided with the engineering plans.
- (16) (A196) Ingress/egress off Hastings River Drive shall be restricted to left-in/left-out only (prohibit right-in/right out). Road and access driveway modifications shall be designed in accordance with Council future design plans (RU-PM4-100), which shall include extension of the centre median and construction of concrete pathways: such plans and details shall be provided prior to any Section 138 approval.
- (17) (A197) Council PCA For Infrastructure Works  
Pursuant to Section 80A(2) of the Environmental Planning and Assessment Act, 1979, the following works shall not be assessed for the purpose of compliance, or otherwise deemed acceptable, by any person other than Port Macquarie-Hastings Council:
- Plans and works associated with approvals under Section 138 of the Roads Act.
  - Plans and works to be accepted as Council's public infrastructure
- A separate application for a Construction Certificate and/or application pursuant to Section 138 of the Road Act is required.
- (18) (A198) Dedication of road widening as shown on the application plan across the Park Street frontage to provide a minimum 3.0m wide verge area (kerb to boundary) at no cost to Council; such dedication is to be registered with the Lands Title Office prior to the issue of any s138 approval and/or construction certificate.
- (19) (A199) Set down bay and Loading Zone along Park Street  
Construction of the exclusive lay-by/turn-lane including concrete paving across the full Park Street frontage of the site in accordance with plans approved by Council. Details to be provided with the Section 138, Roads Act
- (20) (A200) Local Traffic Committee Approval for Regulatory Signage  
Approval for the erection of regulatory signage in Park Street shall be obtained by Council's Local Area Traffic Committee prior to the issue of any approval pursuant to Section 138 of the Roads Act.

- (21) (A201) Provision of a 2.5m concrete footpath/cycleway and 1.2m wide concrete pathway across full road frontages along Hastings River Drive and Park Street respectively, in accordance with Council future design plans (RU-PM4-100).
- (22) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. Amalgam separators are to be installed and be either built into the cuspidor by the manufacturer or provided separately. If teeth moulds are prepared the liquid trade waste must pass through a plaster arrestor.

## **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) 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. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
  2. Public parking areas in accordance with ASUPEC and AS 2890.1, 2890/2 and 2890.6;
    - a. Driveways and access aisles;
    - b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
  3. Sewerage reticulation.
  4. Water supply plans shall include 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.
  5. Retaining walls.
  6. Stormwater systems.
  7. Erosion & Sedimentation controls.
  8. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  9. Detailed driveway profile in accordance with Auspec d1, as 2890.1, as 2890.2, ASD 202 & ASD 207, Port Macquarie-Hastings Council current version.

10. Provision of a 2.5m concrete footpath/cycleway and 1.2m wide concrete pathway across full road frontages along Hastings River Drive and Park Street respectively.

- (3) (B006) 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 Construction Certificate.
- (4) (B007) If engineering works are of a value equal to or 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) (B009) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A 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:
  - Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

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.
- (6) (B010) 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 sewerage system headworks
  - augmentation of the town water supply headworks
- (7) (B024) 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.
- (8) (B030) Approval pursuant to Section 138 of the Roads Act, shall be obtained prior to the issue of any Construction Certificate.
- (9) (B033) An Erosion and Sediment Control Management Plan 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.
- (10) (B034) The submission of details to Council 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.
- (11) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures is to be submitted with the application for the Construction Certificate.
- (12) (B045) A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (13) (B052) The provision of splay corners in accordance with Port Macquarie-Hastings Council DCP 2006. Details must be submitted to and approved by Council prior to issue of the Construction Certificate.
- (14) (B053) The design of the carpark and accesses is to be 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.
- (15) (B054) Where a vehicular access is provided, a longitudinal section in accordance with Council's adopted AUSPEC Design and Construction Guidelines must be supplied with engineering design plans.
- (16) (B056) Prior to the issue of any Construction Certificate plans, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (17) (B057) 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.
- (18) (B195) A stormwater drainage plan prepared by a suitably qualified Engineer or Registered Surveyor shall be submitted to Council prior to the issue of a Construction Certificate.

The plan shall be generally consistent with the concept plan prepared by Hopkins Consultants, drawing No. 6592-002 and dated 11/5/2011 subject to the following:

- a) Calculations/modelling shall be submitted to demonstrate the functionality/compliance of the on-site stormwater detention (OSD) facility and stormwater quality improvement device (SQID) with Council's AUSPEC specifications.
  - b) Council's existing stormwater drainage infrastructure on the corner of Hilltop Cr and Hastings River Drive shall be extended to the frontage of the site by a suitably sized stormwater system to allow direct connection of the site stormwater to the public drainage system.
  - c) The basement must be of fully tanked construction and be entirely waterproofed (i.e no subsurface drainage to piped stormwater system)
  - d) The pipe extension shall be sized having regard for both the proposed internal and external contributing catchments as per Council's AUSPEC guidelines.
  - e) The alignment and layout of the pipe extension shall be compatible with Council's future road upgrade plans for that portion of Hastings River Drive adjoining the works.
  - f) Maintenance plans for the proposed OSD and SQID facilities must be submitted with the application for a Construction Certificate.
- (19) (B196) The new metered domestic water service (and fire hydrant service if required) is to come from the 100mm AC water main in Hastings River Drive and be located adjacent to the proposed driveway entrance. Final water service sizing for the proposed development 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 protection requirements. Minimum backflow protection is to be an RPZD at the property boundary. The RPZD is to be registered with Council.
  - (20) (B197) The sewer connection for the development is to be to a manhole. This may be a direct connection from the property to the existing manhole just outside the south western corner of the development site or to a new manhole east of the existing manhole on the existing sewer line (new dead end manhole). Details are to be provided with the engineering plans.
  - (21) (B198) Prior to the issuing of the Construction Certificate details regarding the storage of Contaminated and Clinical Wastes including the location and number/types of bins shall be submitted to Council.
  - (22) (B200) The 150mm water main in Park Street that will be under the proposed new road pavement is to be relocated by Council at the proponent's cost so that it remains in the footpath area. Details are to be provided with the engineering plans.
  - (23) The design and specifications of the new 1.8m boundary fence along the northern boundary of the property shall be provided with the application for the Construction Certificate and be clearly nominated on the Construction Certificate plans. The fence design and specifications shall be certified by a suitably qualified and practising acoustic engineer.

## **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) 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) (C002) 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.
- (3) (C004) 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 and maintained for the entirety of the works until the site is made stable by permanent vegetation cover or hard surface.
- (4) (C005) 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.

- (5) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.

#### **D – DURING WORK**

- (1) (D001) 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. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - d. before pouring of kerb and gutter;
  - e. prior to the pouring of concrete for sewerage works and/or works on public property;

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) (D004) 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) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (4) (D014) Work on the project being limited to the following hours, unless otherwise permitted by Council:-

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (5) (D019) 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) (D026) The site shall be left free of wastes and debris following completion of the demolition work.
- (7) (D027) 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) (D029) 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 *Code of Practice for the Management and Control of Asbestos in Workplaces*.
- (9) (D032) 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) (D035) 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) (D036) 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.

## **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) 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) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (3) (E005) 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.

- (4) (E010) 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).
- (5) (E012) Dedication as public road to Council, the area required for road widening along the frontage of the development at no cost to Council. Details are to be incorporated in the plan of subdivision.
- (6) (E016) Prior to occupation or 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.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (9) (E034) Prior to occupation or 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.
- (10) (E036) 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 2011 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (11) (E039) 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.
- (12) (E040) 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 occupation or the issue of the Occupation or Subdivision Certificate.
- (13) (E041) 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.

- (14) (E049) 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.
- (15) (E051) Prior to occupation or 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.
- (16) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010) prior to issue of the release of the security bond to guarantee completion of public works.
- (17) (E056) 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.
- (18) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (19) (E065) 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.
- (20) (E066) 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
- (21) (E067) Prior to the issue of a Occupation Certificate the proponent shall provide to the development an underground connection to the following reticulated services in accordance with their respective requirements:
  - Telecommunications
  - Electricity supply
  - National Broadband Network
- (22) (E072) Lodgement of a security deposit with Council upon practical completion of the infrastructure works in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010).

- (23) (E080) The applicant is required to make provision in the application for a Subdivision Certificate:
- dedication as public road of the area required for road widening,
- (24) (E082) 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.
- (25) (E195) A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the maintenance requirements for both the on-site stormwater detention system (OSD) and stormwater quality improvement device (SQID) incorporated in the development.

The terms of the 88E instrument with positive covenant must include, but not be limited to, the following:

- a) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the OSD facility and / or SQID and recover the costs of any such works from the proprietor.
- b) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the bioretention system, or failure to clean, maintain and repair the OSD facility and / or SQID.

A maintenance schedule of the proposed OSD facility and SQID facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to the issue of an occupation certificate.

## **F – OCCUPATION OF THE SITE**

- (1) (F003) All driveways, visitor parking spaces and turning areas shall be kept clear of obstructions at all times.
- (2) (F006) 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) (F010) 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.
- (4) (F019) Contaminated/clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.

- (5) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (6) (F195) Hours of operation of the development are restricted to the following hours:
- 7am to 10pm seven days per week

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