

MINUTES OF THE HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT GREAT LAKES COUNCIL CHAMBERS ON THURSDAY 6 DECEMBER 2012

PRESENT:

Garry Fielding	Chair
Jason Perica	Panel Member
John Colvin	Panel Member
Karen Hutchinson	Panel Member
Len Roberts	Panel Member

COUNCIL STAFF IN ATTENDANCE:

Wayne Burgess	Manager, Development Assessments
Robyn Shelley	Senior Development Assessment Planner
Gerard Tuckerman	Manager, Natural Systems
Mathew Bell	Senior Ecologist

APOLOGIES: Nil

The meeting commenced at 5.33pm.

1. Declarations of Interest:

Nil.

2. Business Items:

ITEM 1 - 2012HCC026 - Great Lakes - DA336/2012, 29 Lot Subdivision, 70 Carmona Drive, Forster.

3. Public Submissions:

Verity Blair	addressed the Panel on behalf of the Applicant
Morris Symonds	addressed the Panel as Applicant
Mary Yule	addressed the Panel against the Item
Adrian Richards	addressed the Panel against the Item

4. Business Item Recommendations:

2012HCC026 - Great Lakes - DA336/2012, 29 Lot Subdivision, 70 Carmona Drive, Forster.

Moved by Jason Perica and **seconded** by Karen Hutchinson:

That the Panel grant deferred commencement consent to the development subject to the following condition:

PART A

DEFERRED COMMENCEMENT CONDITION

The consent will not operate until evidence, as specified in the following deferred commencement condition, has been submitted to and approved by the consent authority and written notice given under Section 100(4)(b) of the *Environmental Planning and Assessment Regulation 2000* that the deferred commencement condition has been satisfied and the date from which the consent operates.

1. A pedestrian and cycle path, together with passive 'rest parks', must be constructed linking Carmona Drive to the eastern boundary of the site.

These are to be owned by the community association but are to be open to the public and maintained at all times by the community association.

An appropriate easement must be created in favour of the public and the community association over the pedestrian and cycle path, together with the passive rest parks.

The easement must be created, and the pedestrian/ cycle path and passive 'rest parks' constructed with a consolidated gravel base, 2m wide and 100mm thick, all prior to the issue of the subdivision certificate for Stage 2 of the development.

A Bank Guarantee must be lodged with Council for the reasonable value of work involved in constructing the pedestrian and cycle path and 'rest parks' in concrete 2m in width. The Bank Guarantee will be released upon completion of such works.

Reason: To ensure provision of adequate community access through the development.

Evidence required to satisfy the above deferred commencement conditions must, in accordance with Clause 95(3) of the *Environmental Planning and Assessment Regulation 2000*, be submitted to Council within 12 months of the date of this consent.

Subject to the satisfaction of Condition 1 above, consent shall be granted subject to the following conditions in Part B (and any conditions reasonably arising from satisfaction of the terms of the deferred commencement consent in Part A).

PART B

GENERAL CONDITIONS

1. Development in accordance with approved plans

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

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Proposed land ownership details	5366E_Exhibits Revision A	King & Campbell Pty Ltd	10.10.2012
Road Access Plan	5366E_Exhibits Revision C	King & Campbell Pty Ltd	25.10.2012
Staging	5366E_Exhibits Revision A	King & Campbell Pty Ltd	01.02.2012
Landscaping Concept Plan	5366E_Exhibits	King & Campbell Pty Ltd	01.02.2012

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Separate application required for demolition

A separate development application must be submitted to, and approved by, Council prior to the demolition of any existing structures, unless permitted as exempt development.

Reason: To ensure compliance with legislation.

3. Speed limits to be applied to the internal roads

A speed limit of not greater than 20km/h shall be maintained on all internal roads. Notices advertising the speed limit and wildlife crossing caution signs on internal roads are to be erected to the satisfaction of Great Lakes Council.

Reason: To protect and preserve hollow-bearing trees on the subject land.

4. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in serviceable operation.

PRIOR TO THE ISSUE OF A SUBDIVISION CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of any subdivision construction certificate

5. Engineering construction plans

Prior to the issue of a subdivision construction certificate, engineering construction plans and specifications must be submitted to and approved by the certifying authority. The plans must include details of the works listed in the table below in accordance with Council's current design and construction manuals and specifications. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Required work	Specification of work
Full width road construction	Full width road and drainage construction for all proposed roads on the approved plan. Minimum pavement formation width 6m bitumen sealed with concrete edge strips. Provision of a temporary turning head for stages 2 & 3.
Footpath/cycleway construction	A 2.0 metre wide concrete footpath/cycleway for all proposed pathways identified on the approved plan. Such pathways/cycleways shall be able to be accessed by the public at all times.
Access handle	A 4 metre wide reinforced concrete driveway, together with all necessary services/service conduits within the access handle of proposed Lots 14 & 15 and 18 & 22.
Service conduits	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
Inter-allotment drainage	An inter-allotment drainage system to an approved drainage system for each of the proposed new lots where it is not possible to provide a gravity connection for stormwater runoff from future development on the lot to the street drainage.
Culverts required across drainage channels or streams	The culvert must be designed to ensure that peak flow rates for the 1% AEP storm event are not affected.
Access to stormwater structures	A bitumen vehicle access must provided to detention ponds, drainage discharge points, filter controls and wetland areas for access for maintenance purposes.
All weather fire trail surrounding the development and linking with Carmona Drive.	The access is to be in accordance with the NSW Rural Fire Service document Planning for Bushfire Protection 2006 4.1.3. (3)
Electricity	Electricity supply to service the development shall be placed underground and in accordance with Clause 3.13 Lighting Management of DCP 59.

Reason: To ensure works within are constructed to a suitable standard for public safety.

6. **Details of the culvert structures proposed in the development to be submitted to Great Lakes Council**

Prior to the issuing of the first Subdivision Construction Certificate, the Registered Proprietor of the subject land shall engage a Civil Engineer and an Ecologist to provide to Great Lakes Council for review and approval, details and specifications of the Culverts that are to be established in the development and the means with which native wildlife movements would be facilitated.

Reason: To ensure that the proposed culverts are of a size, configuration and design that facilitates the movement of native wildlife.

7. Water quality

Prior to the issue of the first subdivision construction certificate the applicant revise the proposed water quality treatment train to include modification of the most western farm dam to a wetland of approximately 30% of the surface area of pond consistent with that modelled and proposed in the Modified Stormwater Management Concept (2008). Details of the constructed wetland are to be provided within a modified Vegetation and Habitat Management Plan to the satisfaction of Council and consistent with that proposed in the Modified Stormwater Management Concept (2008).

Reason: The most western farm dam will deteriorate and be a problem in the future creating long term undesirable maintenance burden for the Community Association and expectations on Council to assist. Based on mean annual loads of the pond itself, MUSIC is predicting that the dam will be a net exporter of nutrients. The available science does not support the exclusion of the constructed wetland from the original Stormwater Management Concept.

8. Water quality

Engineering details of the stormwater treatment system (bio-retention, grassed swales, constructed wetland within the western most farm dam) required to achieve the Neutral or Beneficial Effect (NorBE) as proposed and modelled in the Modified Stormwater Management Concept (2008) for the development are to be submitted to Council and approved prior to the issue of the Subdivision Construction Certificate for stage 2 of the development. The bio-retention systems are to be designed consistent with the guidelines Water by Design (2006) Water Sensitive Urban Design - Technical Design Guidelines for South East Queensland.

Reason: To ensure designs are consistent with current practice and that water quality management systems functions as proposed.

9. Water quality

All raingardens or bio-retention filters shall:

- a. have filter media of uniform sandy loam texture and be consistent with Adoption guidelines for stormwater bio-filtration systems, Facility for Advancing Water Bio-filtration, (Monash University, June 2009).
- b. have filter media placed with minimal compaction to achieve a consistent density throughout.
- c. be planted with *Carex appressa* and/or other native plant species that have confirmed performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions. These are to be planted at a minimum density of 10 living plants/ m².

Reason: To ensure bioretention systems are constructed and installed as per design standards and function as modelled.

10. Water quality

All components of the stormwater quality treatment systems shall be maintained for the life of the development.

Reason: To ensure ongoing functioning of the stormwater system as per modelled and approved.

11. Water quality

Prior to the issue of the subdivision construction certificate for stage 2 of the development, a Water Sensitive Development Strategy using the Modified Stormwater Management Concept but including an operational and maintenance plan and life cycle costing of stormwater management measures must be submitted to and approved by Council.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that achieves the required water quality objectives for the life of the development.

12. Water quality

Prior to the issue of the subdivision construction certificate for stage 2 of the development, a final Community Management Statement will be submitted to Council for approval and shall contain details of accompanying legal measures to:

- a. Ensure that a 15m² raingarden is installed on each of the 26 residential allotments consistent with approved design criteria;
- b. Ensure that each on lot raingarden is maintained by the respective owner for the life of the development.

Reason: To ensure on each lot a raingarden is installed as per design and as modelled and is maintained for the life of the development by each respective owner.

13. Water quality

Prior to the issue of the Subdivision Construction Certificate for stage 2 of the development, a Stormwater Drainage Plan shall be prepared indicating the location/layout and operation of the bio-retention systems within the streetscape. Calculations are to be provided detailing that the streetscape bioretention systems will be sized to a minimum of 1.5% of the upstream impervious area.

Reason: To reduce the risk of clogging of the streetscape bioretention systems.

14. MidCoast Water approval

Prior to the issue of a subdivision construction certificate for **each stage**, a Certificate of Compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

15. Erosion and sediment control plan

Prior to the issue of a subdivision construction certificate for **stages 2, 3 & 4**, an erosion and sediment control plan prepared by a suitably qualified person in accordance with *"The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices

including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

Reason: To protect the environment from the effects of erosion and sedimentation.

16. Traffic management plan

Prior to the issue of a subdivision construction certificate for **stages 2, 3 & 4**, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the subdivision must be submitted to and approved by the certifying authority. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard AS 1742.3: *Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction traffic management plan must be implemented prior to the commencement of work.

Reason: To ensure public safety during the construction of the development.

17. Submission of the Vegetation and Habitat Management Plan for review and approval by Great Lakes Council

Prior to the issuing of the first Subdivision Construction Certificate, the Registered Proprietor of the subject land shall engage a qualified ecologist who shall submit to Great Lakes Council for review, an amended Vegetation and Habitat Management Plan (VHMP).

The VHMP shall only be finalised (and thus approved) at such time as Great Lakes Council has indicated in writing that the VHMP is satisfactory and acceptable.

The VHMP shall include additional details relating to matters as directed by Great Lakes Council, including a comprehensive breakdown of Vegetation and Habitat Management actions, timing (tied to approved development staging), responsibilities, indicative costing of all actions, key performance indicators and monitoring. The VHMP shall incorporate controls associated with regular review and adaptive management, subject to Council approval. The VHMP shall contain maps and plans and be written in a style that is clear, explicit and able to be practically implemented. It shall exclude subjective or unquantified statements and any ambiguity regarding timing and responsibility.

The VHMP shall identify vegetation and habitat management and restoration activities over the relevant parts of all community association land including but not limited to the riparian corridor, local corridors and the dams.

In respect to timing of the implementation of Vegetation and Habitat Management works, the VHMP shall clearly identify the staged undertaking of necessary works, including, but not limited to, fencing, facilitating natural regeneration, weed controls, feral animal controls and revegetation/ landscaping.

Reason: To ensure that the Vegetation and Habitat Management Plan is satisfactory and appropriate and able to be practically implemented to assist protect and conserve the natural environment.

18. Landscaping plan

Prior to the issuing of the first Subdivision Construction Certificate, the Registered Proprietor of the subject land shall engage a qualified landscape architect who shall submit to Great Lakes Council, for review, an amended Final Landscaping Plan. The Plan shall only be finalised (and thus approved) at such time as Great Lakes Council has indicated in writing that the Plan is satisfactory and acceptable. The Plan shall include additional details relating to matters as directed by Great Lakes Council, including a comprehensive breakdown of Landscaping actions, timing (tied to approved development staging), responsibilities, indicative costing of all actions, key performance indicators and monitoring. The Plan shall incorporate controls associated with regular review and adaptive management, subject to Council approval. The Plan shall contain maps and plans and be written in a style that is clear, explicit and able to be practically implemented. It shall exclude subjective or unquantified statements and any ambiguity regarding timing and responsibility.

In respect to timing of the implementation of Landscaping works, the Plan shall clearly identify the staged undertaking of necessary works.

Specifically, the revised and amended Landscaping Plan shall delete reference to the use of Sweet Pittosporum (*Pittosporum undulatum*) and replace this species with a small tree/ tall shrub species approved by Great Lakes Council (such as Cheese Tree (*Glochidion ferdinandi*) or Tuckeroo (*Cupaniopsis anacardioides*)).

The Final Landscaping Plan shall also demonstrably include the following detail:

- a) The location of trees and stands of native vegetation identified for retention in the development application plans,
- b) The proposed location for planted shrubs and trees,
- c) The botanical names and pot supply sizes of shrubs and trees to be planted,
- d) The mature height of trees to be planted,
- e) The location of grassed and paved areas,
- f) The location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered,
- g) The approved stormwater detention or bio-retention systems, and
- h) The street tree planting details and specifications.

Reason: To maintain environmental and streetscape amenity and to ensure that the Landscaping Plan is satisfactory and appropriate and able to be practically implemented to assist protect and conserve the natural environment

19. Survey and establishment of fencing around the bounds of the subject land (other than Lot 29)

Prior to the issuing of a Subdivision Construction Certificate for Development **Stage 2**, the Registered Proprietor of the subject land shall engage a Registered Surveyor to identify and mark the common boundary of the subject land and the Booti Booti National Park (other than Approved Lot 29). The Registered Proprietor shall engage a Fencing Contractor to establish a rural-style fence of hardwood posts, metal star pickets and four strands of plain wire along the surveyed common boundary of the subject land (other than Lot 29) and the Booti Booti National Park.

Reason: To demarcate and protect Booti Booti National Park from the development of the subject land.

20. Removal of priority invasive weeds from land in Development Stages 2, 3 and 4

Prior to the issuing of a Subdivision Construction Certificate for each Development Stage, the Registered Proprietor of the land shall engage a Bushland Regenerator to eradicate all occurrences of the following weeds from all lands within and associated with each Development Stage. Priority environmental weeds are considered in these conditions to include: *Lantana camara* (Lantana), *Asparagus aethiopicus* (Asparagus Fern), *Delairea odorata* (Cape Ivy), *Ricinus communis* (Castor Oil Plant), *Senna pendula* (Senna), *Ligustrum sinense* (Small-leaved Privet), *Solanum mauritianum* (Wild Tobacco Bush), *Rubus fruticosus* (Blackberry), *Cinnamomum camphora* (Camphor Laurel) and other species as identified by Great Lakes Council.

Reason: To ensure that priority invasive weeds are controlled and eradicated from the subject land to protect the natural environment.

21. Bond required to guarantee against damage to public land

Prior to the issue of a subdivision construction certificate for **Stage 2**, a Damage Bond Application form together with payment of a bond in the amount of \$6,000 and a non-refundable administration fee of \$341.55 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT
The following conditions must be satisfied prior to the commencement of any building construction or subdivision work.

22. Planning Agreement

The proponent is to enter into a Planning Agreement in accordance with the terms of the offer under S93I of the Environmental Planning and Assessment Act, 1979 dated 22 April 2012

Reason: To ensure compliance with the terms of offer under S93I of the Environmental Planning and Assessment Act, 1979

23. Identification and approval of the clearing of native vegetation and habitat in Development Stages 2, 3 and 4.

Prior to the commencement of any works on or associated with each Development Stage:

- a) The Registered Proprietor shall engage a registered surveyor to mark on the land the accurate boundary of the footprint of the Approved Development on each Stage and any stands of native vegetation that are required to be cleared for this aspect of the development (if any).
- b) The marked native vegetation removal shall be strictly controlled and minimised.
- c) Once the marking program has been completed, the Registered Proprietor (or their agents) shall notify Great Lakes Council. Council's Senior Ecologist and/ or Tree Management Officer shall then inspect and assess the remnant native vegetation removal marking program. These Council Officers shall inspect the Registered Proprietors marking program and confirm that clearing activities have been minimised and controlled appropriately.

Construction works shall not commence for each Development Stage until such time as Council's Senior Ecologist or Tree Management Officer have approved of the applicable remnant native vegetation removal marking program in writing.

Reason: To minimise the impacts of the development on native vegetation.

24. Fencing of allotments from Community Land

Prior to the commencement of any works associated with each Development Stage (other than Stage 1), each allotment boundary where it adjoins community land will be fenced. Fencing shall be of a rural-style comprising hardwood posts, metal star pickets and four strands of plain wire.

Reason: To demarcate approved lots from the community land.

25. Potential archaeological deposit

Prior to the commencement of any works associated with the proposed subdivision, details of the Potential Archaeological Deposit identified in the Master Plan, including how the area will be protected from future development, must be submitted to Council.

Reason: To protect Aboriginal heritage.

26. Contamination report

Prior to the commencement of any works in the vicinity of the above ground diesel storage tank and chemical storage area, adjacent to the storage sheds in the middle of the site, identified in the preliminary contamination assessment prepared by Umwelt for the LES (2007), a detailed assessment and analysis, including methods of remediation must be submitted to the certifying authority.

Reason: To ensure compliance with relevant standards.

27. Waste management plan

Prior to the commencement of work, a waste management plan prepared in accordance with the requirements of Council's Waste Management Policy must be submitted to and approved by the certifying authority.

Reason: To ensure adequate and appropriate management of waste and recycling.

28. Pollution prevention sign

Council's "PREVENT POLLUTION" sign must be erected and maintained in a prominent position at the frontage of the property so that it is clearly visible to the public for the duration of construction work.

Council's PREVENT POLLUTION sign can be purchased at Council's Customer Enquiry Counter at the Forster, Tea Gardens and Stroud administration buildings.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

29. Erosion and sediment measures in accordance with approved plans

Prior to the commencement of work for **Stage 2**, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

30. Toilet facilities – sewerer/unsewered areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer or, if reticulated sewer is not provided to the site at the time of the subdivision construction, then each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

Reason: To maintain the public health and the natural environment.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK

The following conditions must be complied with during any development work.

31. Construction of culverts in a manner that facilitates native wildlife movements

The Registered Proprietor of the land shall establish the culverts required in each Development Stage in accordance with the design approved by Great Lakes Council pursuant to these conditions.

Reason: To ensure that the culverts in each Development Stage incorporate adequate fauna movement measures, as required.

32. Implementation of relevant actions as directed in the approved Vegetation and Habitat Management Plan.

During construction works on and associated with each Development Stage, (other than Stage 1) the Registered Proprietor of the land shall implement all of the actions as identified in the Approved Vegetation and Habitat Management Plan that are relevant to each Development Stage.

Reason: To ensure that the actions in the Approved Vegetation and Habitat Management Plan are undertaken, as required.

33. Implementation of relevant actions as directed in the Landscaping Plan

During construction works on and associated with each Development Stage, the Registered Proprietor of the land shall implement all of the actions as identified in the Approved Landscaping Plan that are relevant to each Development Stage.

Reason: To ensure that the actions in the Approved Vegetation and Habitat Management Plan are undertaken, as required.

34. Protection of the natural environment during site works

At all times, during the construction of approved and permitted services, utilities and facilities and any work on the subject land, direct and indirect harm to areas and individuals of native vegetation shall be strictly avoided and/ or minimised, at every possible opportunity.

Reason: To protect the natural environment and the habitats of native plants and animals

35. Washing down of machinery prior to their introduction to the subject land

In order to minimise the risk of plant pathogens and weed propagules, all site machinery introduced to the subject land for any purpose shall be adequately washed down prior to their introduction. Such machinery shall be demonstrably free of soil and vegetative material prior to their introduction to the subject land.

Reason: To minimise risks associated with importation of weeds and plant diseases.

36. Actions associated with any removal of native trees and vegetation

During the physical removal of all trees and native vegetation to form any aspect of the approved development, the following shall be adopted at all times:

- Machinery operators shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared until the animal has dispersed of its own free will from the area
- Removal of approved trees shall be conducted using directional felling away from trees that are to be retained
- Removal of approved trees shall be conducted in a manner that avoids the movement of heavy machinery in the root zones of trees that are to be retained on the land
- Any deliberate or accidental damage to trees that are to be not approved for removal shall be reported immediately to Council's Tree Management Officer. Remediation or

repair actions identified by that officer shall be conducted to assist minimise the harm associated with any such damage

Reason: To control impacts of clearing of trees and native vegetation during all site works.

37. Protection of hollow-bearing trees

No hollow-bearing trees are to be removed or cleared for any aspect of the approved development, except where the removal of such trees is deemed, by Great Lakes Council, to be required for the purpose of the protection of life or property.

Reason: To protect and preserve hollow-bearing trees on the subject land.

38. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

39. Construction dust suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas
- c) alter or cease construction work during periods of high wind;

Reason: To maintain amenity during construction of the development.

40. Maintenance of erosion and sediment control measures in accordance with approved plan

Erosion and sediment control measures must be maintained at all times in accordance with the approved erosion and sediment control plan until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

41. Comply with Traffic Management Plan

The approved traffic management plan must be implemented prior to commencement of **Stage 2** works and maintained for the duration of the development works.

Reason: To ensure public safety during the construction of the development.

42. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking the development work, all work must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

43. Compliance with Waste Management Plan

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

Reason: To ensure waste is minimised and recovered for recycling where possible.

44. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

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

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions must be satisfied prior to the issue of a subdivision certificate

45. Submission of the Draft Community Management Statement for review and approval by Great Lakes Council

The Registered Proprietor of the subject land shall submit to Great Lakes Council for review, an amended Draft Community Management Statement. The applicant shall cover all reasonable costs of having the Draft Community Management Statement reviewed by a qualified person.

The Community Management Statement shall only be finalised at such time as Great Lakes Council have indicated in writing that the Statement is satisfactory and acceptable.

The Statement shall include additional details relating to matters as directed by Great Lakes Council, including additional ecological protections and management provisions (such as, but not limited to, priority invasive weed controls on Lots and exclusion of planting of invasive flora species in any landscaping). The Statement shall incorporate controls associated with regular reviews and adaptation, subject to Council approval.

Specifically, Part 4, Section 1 shall be re-drafted to enforce the exclusion and proactive prohibition of dogs and cats (other than Assistance Animals as defined by the *Disability Discrimination Act 1992*) from the subject land at all times and under all circumstances.

Reason: To ensure that the management of the subdivision is consistent with the development consent and to ensure that the Community Management Statement is satisfactory and appropriate.

46. Plan of subdivision

An application for a subdivision certificate for **each stage** release must be made on the approved form and must be accompanied by the subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges. Seven (7) copies of the plan of subdivision must be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on one copy of the plan.

Reason: To ensure adequate identification of boundaries and the location of structures.

47. Conservation and revegetation of Lot 29

Prior to the issue of a Subdivision Certificate for **Stage 1**, the Registered Proprietor of the subject land shall ensure that the commitments and responsibilities as set-out in the executed Planning Agreement as it pertains to the creation, dedication, other nominated physical works (including de-wiring existing fencing), new fencing, revegetation and restoration (including weed control) of Approved Lot 29 are satisfactorily completed to the satisfaction of Great Lakes Council and the NSW Office of Environment and Heritage.

Reason: To ensure that legal commitments relating to Approved Lot 29 are satisfactorily completed during the subdivision process.

48. Revegetation of "The Saddle" within Booti Booti National Park

Prior to the issue of a Subdivision Certificate for **Stage 1**, the Registered Proprietor of the subject land shall ensure that the commitments and responsibilities as set-out in the Planning Agreement executed on 22 April 2012, as it pertains to the revegetation and restoration (including weed control) of the area identified as "*The Saddle*" within Booti Booti National Park is satisfactorily completed to the satisfaction of Great Lakes Council and the NSW Office of Environment and Heritage.

Reason: To ensure that legal commitments relating to revegetation and restoration of "The Saddle" in Booti Booti National Park are satisfactorily completed during the subdivision process.

49. Restrictions on the use of land to protect the natural environment

Prior to the issue of a Subdivision Certificate for **Stage 1**, the Registered Proprietor of the land shall take all necessary steps to ensure restrictions on the use of land pursuant to the provisions of s88B of the *Conveyancing Act 1919* and public positive covenants pursuant to the provisions of s88E of the *Conveyancing Act 1919* to the following effect, are recorded in the Register kept under the *Real Property Act 1900*:

- a) No cats, dogs (other than Assistance Animals as defined by the Disability Discrimination Act 1992) or domestic or feral grazing stock (horses, cattle, goats, sheep, llamas, etc) are to be introduced, kept or released anywhere on the subject land at any time.
- b) No fencing consisting of smooth, mesh or picket metal styles, or barbed wire or any other solid fencing style (other than those permitted in the Community Management Statement approved for the land) are to be erected anywhere on the subject land, at any time.
- c) There shall be no recreational use of motorbikes or other motorised vehicles of any type anywhere within Approved Lot 29.

The land burdened by the restrictions on use above is Lot 15 DP713933 and all relevant lots created by this approved subdivision, with the exception of Approved Lot 29.

The Council of Great Lakes is the prescribed authority for the purposes of Division 4, Part 6 of the *Conveyancing Act 1919*, and is to have the benefit of the restrictions set-out above. A Draft of the Restrictions/ Public Positive Covenants shall be provided to Great Lakes Council for review and approval prior to any registration on the relevant title.

The Registered Proprietor of the land shall have registered by the Registrar-General a plan as a deposited plan showing those parts of the subject land (and the approved subdivided lots formed by this consent) identifying the areas affected by the restrictions on use such that on its registration, the restrictions on the use of land and public positive covenants set out in the condition above are entered on the appropriate title(s).

Reason: To ensure that appropriate permanent controls are placed over the land to protect the natural environment and native wildlife populations and lifecycles.

50. Street name application

Prior to the issue of a subdivision certificate for **Stage 3**, a separate application for the naming of the new road must be submitted on Council's 'New Roads Name Application' form, together with payment of all associated fees. The street names must be approved by Council and shown on the plans submitted with the application for subdivision certificate.

Reason: To ensure adequate identification of new streets.

51. Plan of subdivision and Section 88B Instrument

An instrument created under Section 88B of the *Conveyancing Act 1919*, **for Stages 2, 3 & 4** must be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument must provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Dwelling envelope	Restrictions to limit the erection of dwellings to the nominated dwelling envelope.
Inter-allotment drainage easements	The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments. Stage 2.
Sewer easements	The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.

Reason: To ensure the proper management of land.

52. Completion of works

Prior to the issue of a subdivision certificate for **each stage**, all roads, drainage and civil works, required by this development consent and associated construction certificate, must be completed. Works must include the restoration, replacement and/or reconstruction of any damage caused to surrounding public infrastructure, including damage to road pavements along any haulage routes used for the construction of the subdivision.

Reason: To ensure civil works are appropriately constructed.

53. Works-as-executed plans

Prior to the issue of a subdivision certificate for **each stage**, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be submitted to Council. Where the design is carried out utilising computer aided design (CAD), all CAD computer files must be provided on compact disc (CD) with the final drawings. The CAD files must include all lot and road boundaries, lot numbers and easements. The data must be supplied in accordance with the requirements of Council's GIS Officer.

Reason: To provide Council with accurate records of civil works.

54. Electricity supply certificate

Prior to the issue of a subdivision certificate for **each stage**, a certificate of compliance from the electricity supply authority must be submitted to Council stating that satisfactory arrangements have been made for the provision of electricity supply throughout the subdivision.

Reason: To ensure that utility services have been provided to the newly created lots.

55. Telephone supply certificate

Prior to the issue of a subdivision certificate for **each stage**, a certificate of compliance from the telephone supply authority must be submitted to Council stating that satisfactory arrangements have been made for the provision of telephone supply throughout the subdivision.

Reason: To ensure that utility services have been provided to the newly created lots.

56. Water and sewer supply certificate

Prior to the issue of a subdivision certificate for **each stage**, a certificate of compliance from MidCoast Water must be submitted to Council stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development.

Reason: To ensure that utility services have been provided to the newly created lots.

57. Street tree planting

Prior to the issue of a subdivision certificate **for stages 2, 3 & 4**, street tree planting must be installed in accordance with the approved landscape plan.

Reason: To maintain environmental and streetscape amenity

58. Haulage levy

Prior to the issue of a subdivision certificate for **stages 2, 3 & 4**, details of the amount of fill that has been imported to the site or the material that has been excavated and removed from the site must be submitted to Council for the purpose of calculating the haulage levy. The haulage levy is required to be paid in accordance with the Great Lakes Wide Development Contributions Plan 2007, as may be updated from time to time. The haulage levy must be paid to Council prior to the issue of a subdivision certificate.

Reason: Maintenance and repair of public assets.

59. Geotechnical report - soil classification

Prior to the issue of a subdivision certificate for **stages 2, 3 & 4**, the classification of the soil type by a qualified professional geotechnical engineer, in accordance with the requirements of Australian Standard AS 2870: *Residential slabs and footings* must be submitted to the certifying authority.

Reason: To ensure that compliance with relevant standards.

60. Requirements for rest parks

Prior to the issue of the subdivision certificate for **stage 4**, the 'rest parks' must be provided with outdoor furniture, equipment and landscaping designed to Council's standards to facilitate their use as passive public parks. The outdoor eating area must be operated at all times in accordance with the following parameters:

Reason: To ensure compliance with Development Control Plan No. 59 to maintain public amenity.

61. Section 94 contributions

Prior to the issue of a subdivision certificate, a monetary contribution must be paid to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

No contributions required for Stage 1

Contributions payable under consent for Stage 2

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-04	Great Lakes Wide	Library Bookstock	24	persons	@ \$71.46 =	\$1,715.04
GLW-07	Great Lakes Wide	Headquarters Building	24	persons	@ \$214.83 =	\$5,155.92
GLW-05	Great Lakes Wide	s94 Admin	24	persons	@ \$68.40 =	\$1,641.60
FD04	Forster District	Major Roads Inner Zone	90	one way trips	@ \$520.48 =	\$46,843.20
FD03	Forster District	Aquatic Centre	24	persons	@ \$148.46 =	\$3,563.04
FD01	Forster District	Surf Life Saving	24	persons	@ \$75.23 =	\$1,805.52
FOS-01	Forster District	Open Space	24	persons	@ \$1,346.59 =	\$32,318.16
FD07	Forster District	Library Facility	24	persons	@ \$465.94 =	\$11,182.56
FD11	Forster District	Community Facilities	24	persons	@ \$508.60 =	\$12,206.40
Total						\$116,431.44

Contributions payable under consent for Stage 3

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-04	Great Lakes Wide	Library Bookstock	16.8	persons	@ \$71.46 =	\$1,200.53
GLW-07	Great Lakes Wide	Headquarters Building	16.8	persons	@ \$214.83 =	\$3,609.14
GLW-05	Great Lakes Wide	s94 Admin	16.8	persons	@ \$68.40 =	\$1,149.12
FD04	Forster District	Major Roads Inner Zone	63	one way trips	@ \$520.48 =	\$32,790.24
FD03	Forster District	Aquatic Centre	16.8	persons	@ \$148.46 =	\$2,494.13
FD01	Forster District	Surf Life Saving	16.8	persons	@ \$75.23 =	\$1,263.86
FOS-01	Forster District	Open Space	16.8	persons	@ \$1,346.59 =	\$22,622.71
FD07	Forster District	Library Facility	16.8	persons	@ \$465.94 =	\$7,827.79
FD11	Forster District	Community Facilities	16.8	persons	@ \$508.60 =	\$8,544.48
Total						\$81,502.00

Contributions payable under consent for Stage 4

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-04	Great Lakes Wide	Library Bookstock	14.4	persons	@ \$71.46 =	\$1,029.02
GLW-07	Great Lakes Wide	Headquarters Building	14.4	persons	@ \$214.83 =	\$3,093.55
GLW-05	Great Lakes Wide	s94 Admin	14.4	persons	@ \$68.40 =	\$984.96
FD04	Forster District	Major Roads Inner Zone	54	one way trips	@ \$520.48 =	\$28,105.92
FD03	Forster District	Aquatic Centre	14.4	persons	@ \$148.46 =	\$2,137.82
FD01	Forster District	Surf Life Saving	14.4	persons	@ \$75.23 =	\$1,083.31
FOS-01	Forster District	Open Space	14.4	persons	@ \$1,346.59 =	\$19,390.90
FD07	Forster District	Library Facility	14.4	persons	@ \$465.94 =	\$6,709.54
FD11	Forster District	Community Facilities	14.4	persons	@ \$508.60 =	\$7,323.84
Total						\$69,858.86

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on [Council's web site](#) or at Council's offices at Breese Parade, Forster.

Reason: Statutory requirement to be paid towards the provision or improvement of amenities and services.

ONGOING USE

The following conditions must be satisfied during the ongoing use of the development.

62. Implementation of relevant actions as directed in the approved Vegetation and Habitat Management Plan

The Registered Proprietor of the land shall implement all of the actions as identified in the Approved Vegetation and Habitat Management Plan that are relevant to the ongoing use of the approved subdivision.

Reason: To ensure that the actions in the Approved Vegetation and Habitat Management Plan are undertaken, as required.

63. Implementation of relevant actions as directed in the Landscaping Plan

The Registered Proprietor of the land shall implement all of the actions as identified in the Approved Landscaping Plan that are relevant to the ongoing use of the approved subdivision.

Reason: To ensure that the actions in the Approved Vegetation and Habitat Management Plan are undertaken, as required.

OTHER AGENCY CONDITIONS

64. NSW Rural Fire Service requirements

The development must be carried out in compliance with the following conditions detailed in the bush fire safety authority, reference No. D12/0789 DA12041882944AB, dated 14 November 2012.

1. The development proposal is to comply with the following subdivision layout plans:
 - 'Plan showing bush fire asset protection zones' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision B dated 29 October 2012;
 - 'Road access plan' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision C dated 25 October 2012;
 - 'Proposed land ownership details, incorporating location of Building Envelopes for lots 2 to 26, prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision A dated 10 October 2012.

2. The Community Management Statement shall include the following information:
 - Asset Protection zones on the Community Association Land and individual Community Titled lots shall be in accordance with the 'Plan showing bush fire asset protection zones' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision B dated 29 October 2012.
 - The entirety of Community Title lots 2 to 26 shall be managed and maintained as an Asset Protection Zone.

APZs associated with the development shall be managed 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'.

Asset Protection Zones

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. To achieve this, the following conditions shall apply:

3. At the issue of community title subdivision certificate and in perpetuity, the property around the existing dwelling on proposed lot 27, to a distance of 21 metres or to the property boundary, shall be maintained as an inner protection area (IPA) 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'

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

4. A bush fire management plan is to be prepared that addresses the following requirements:
 - Contact person and contact details of the Community Association representative;
 - Schedule and description of works for the construction of asset protection zones and their continued maintenance on Community Association land.
 - A vehicle access plan showing public roads and fire trail access. The plan shall also include the location of passing bays and turning points on the fire trails.
 - A water supply location plan including location of fire hydrants and static water supplies (including water draughting points).

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. To achieve this, the following conditions shall apply:

5. 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. To achieve this, the following conditions shall apply:

6. Public roads shall be constructed in accordance with the 'Road access plan' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision C dated 25 October 2012.

Dead end roads shall incorporate a 12 metre outer radius turning circle and be clearly signposted as a dead end.

All public roads shall be clearly sign posted with the road name at every intersection.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

7. Property access driveways shall be constructed in accordance with the 'Road access plan' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision C dated 25 October 2012.

- A minimum carriageway width of 4 metres for rural residential areas.
- A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- The crossfall is not to exceed 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- Dead end access driveways shall be clearly signposted as a dead end.
- All access driveways shall be clearly sign posted at the public road with the property number.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

8. Fire trails shall be constructed in accordance with the 'Road access plan' prepared by King & Campbell Pty Ltd drawing number 5366E_Exhibits revision C dated 25 October 2012.

- A minimum carriageway width of 4 metres with an additional 1 metre wide strip on each side of the trail (clear of bushes and long grass) is provided.
- The trail is a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches is provided.
- The crossfall of the trail is not more than 10 degrees.

- Fire trails do not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge). Where fire trails cross drainage lines, a pipe or gravel causeway shall be constructed.
- Dead end fire trails shall be clearly signposted as a dead end.
- All fire trails shall be clearly sign posted with the trail name at every intersection.
- If gates for fire trails are to be provided and locked, a 'Bush Fire Access Operations Plan' must be submitted and approved by the local RFS Fire Control Centre.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. The existing building on proposed Lot 27 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Details from an appropriately qualified person demonstrating compliance with these conditions, must be submitted to the certifying authority prior to the issue of the subdivision Certificate

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

65. Department of Primary Industries, Office of Water

Prior to the commencement of work, a controlled activities approval must be granted by the Department of Primary Industries, Office of Water.

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

Meeting closed 7.05pm.

Endorsed by



Garry Fielding
Chair
Hunter & Central Coast Joint Regional Planning Panel
Date: 12 December 2012