

## **NON-STANDARD CONDITIONS OF CONSENT**

1. No approval is granted or implied by this consent to the 15 lots and the associated road numbers 15 and 16 that are proposed in Stage E of the development.
2. Prior to the release of the first subdivision certificate for the proposed development both the northern section of the proposed Link Road located within the subject site and the southern section (including the shared pedestrian/ cycleway) within the Council owned land approved by the development consent issued for DA2013/183 shall be constructed and completed.
3. That part of the required Link Road which is located within the subject Lot 2 is to be dedicated to Council upon satisfactory completion of the Link Road.
4. A dedicated shared pedestrian/ cycleway is to be provided as part of the new Link Road, in order to further improve the connection of the proposed residential subdivision with the existing urban area and the Bellwood commercial area in particular.
5. Consideration shall be given to Aboriginal names being used for streets within the new subdivision on Lot 2, in view of the demonstrated long term Aboriginal interest in the area.
6. Reserve No. 4 in the north western area of the site (and which includes the scarred tree remains) is to be increased to a minimum area of 2,000m<sup>2</sup> in line with Council's DCP minimum area requirement. Aside from maintaining compliance with the DCP this will enhance the preservation of the cultural significance of the scar tree, ensure that the space is useable with a good amenity for residents, can be achieved without unreasonable impact on the overall development and make it more efficient to maintain and service by Council staff.
7. The proposed open space areas are to be adequately furnished and landscaped, including with footpaths and play equipment, generally as per the amended landscaping plan. OR the plan of subdivision is to be amended to provide for a consolidated and central single open space /park in the vicinity of proposed roads 3, 4 and 7. The 5 smaller edge parks can be used for purposes of additional housing lots if they are considered viable.
8. All stormwater is to be piped to a wetland or similar water quality treatment device instead of utilising the proposed filter strips and bio-retention swales. A revised stormwater treatment and disposal plan is to be submitted with the Construction Certificate reflecting the above requirements. Calculations are to be provided in the revised plan confirming that the modified stormwater system has been adequately sized and designed to suit the entire development and will protect downstream water quality and satisfy Landcom standards and be entirely located within the R1 zone.
9. All lots (except for the culde-sac and battle axe lots) are to achieve compliance with Council's 12m street frontage. Compliance with this condition is to be detailed in the Construction Certificate documentation.
10. The applicants engage independent Traffic Engineers to carry out a Road Safety Audit of Marshall Way that:
  - a) Recommends a Local Area Traffic management (LATM) Scheme for Marshall Way including a minimum of 4 Traffic calming devices, line marking and signage improvements that are suitable for a collector road (on a bus route) that extends through an urban environment and that complies with Austroads Guide to Traffic management Part 8 - Local Area Traffic Management and Austroads Intersection at Grade.
  - b) Recommends intersection designs at the entry to the retirement villages.
  - c) Generates designs for council approval and community consultation.
  - d) Recommends timing and staging for implementation of the LATM schemeThe audit and costs involved with its implementation the responsibility of the developer

## **GENERAL CONDITIONS OF THIS CONSENT**

### **Integrated Approvals**

- 1 The following approvals are granted under Section 78A of Environmental Planning and Assessment Act 1979 as part of this development consent:

#### **Water supply, sewerage and stormwater drainage work**

- B1 Carry out water supply work
- B4 Carry out sewerage work
- B5 Carry out stormwater drainage work
- B6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

## **THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION**

### **Construction dust suppression**

- 2 All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but not are limited to:

- a restricting topsoil removal;
- b regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c alter or cease construction work during periods of high wind;
- d erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

### **Burning of felled trees prohibited**

- 3 The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

## **THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)**

### **Sewerage and Water Mains**

- 4 An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works involving connections to Council's existing water and sewer infrastructure. Sewerage and water mains are to be extended to service all residential allotments in the subdivision.

Engineering plans of the proposed water and sewer works shall be submitted for Council's approval prior to the issue of the Construction Certificate. All designs shall be approved by Council's Manager Water and Sewerage.

### **Erosion and Sedimentation Control Plan**

- 5 The plans and specifications to accompany the Construction Certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the *Landcom (March 2004), Managing Urban Stormwater, Soils and Construction*.

The sediment and erosion control plan must be prepared by a suitably experienced person such as a person certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

### **Street Tree Planting Scheme**

- 6 The plans and specifications to accompany the Construction Certificate application are to include a street tree planting scheme which has been prepared in accordance with the requirements of Council's Street Tree Guidelines. The Plan must be prepared by a qualified landscape architect or professional landscape consultant.

The Plan must show all services. Plants to be used in the street tree planting scheme must:

- a be a minimum size of 2 metres in height,
- b have a 50mm calliper diameter,
- c be sourced from at least a 25 litre container,
- d be protected by a suitable tree guard (eg a 750mm square tree guard made from a 3m "Acacia" panel painted "Caulfield Green"),
- e be suitably supported by two 2100mm black star picket posts,
- f provided with slow release fertiliser,
- g include the provision of 125mm flexible agricultural pipe filled with 14mm blue metal for watering of the plant, and
- h be mulched with 100mm of native tree mulch.

### **Water supply**

- 7 Water supply pipelines shall generally be located on the opposite side of the road to sewer mains wherever possible.

Calculations shall be provided confirming that pipes are adequately sized to suit the entire development prior to the issue of the Construction Certificate.

Water supply pipelines shall be constructed for the development site in accordance with Council Water Supply construction specification and the requirements of Council's Manager Water and Sewer.

### **Sewerage infrastructure**

- 8 Sewerage infrastructure shall be located within public land wherever possible. Where sewer lines are located in private land a 3m easement shall be provided with the pipe located centrally within the easement.

The number of sewage pump stations serving the total development shall be limited to two as detailed in de Groot Benson plan 91111-106.

Sewerage infrastructure shall be constructed for the development site in accordance with the Council Sewerage Construction Specification and the requirements of Council's Manager Water and Sewer.

### Sewage PS upgrade strategy

- 9 The applicant shall provide details of the upgrade strategy for Sewage PS 14 to cater for increased flow from the development.

The first upgrade of Sewage PS 14 shall be required for development following the release of Stage A1 of the subdivision and shall allow for the discontinuation of pumping to the Marshall Way catchment.

A new rising main shall be designed and constructed with a route to the north and with a crossing the existing Pacific Highway to discharge into a receiving manhole that shall be constructed with a connection to existing sewers draining to PS4 at Centenary Parade. All approvals and easements for the rising main shall be acquired by the applicant at his cost

An overflow storage tank shall be constructed adjacent to PS 14 prior to full development of the site. The tank shall have the capacity to hold 8 x ADWF from the fully developed site.

### 10 Engineering Construction Plans

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application for each stage of construction. Such plans are to provide for the works in the following table in accordance with Council's current Design and Construction Manuals and Specifications.

Required work	Specification of work
<b>Kerb &amp; Gutter, Road Shoulder Construction</b>	<p>Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing behind the kerb including any necessary relocation of services across the subdivision.</p> <p>Verges shall have a crossfall and width sufficient to accommodate and maintain; footpaths, landscaping, provision for utilities and services and provide compliant access grades to properties</p> <p>Stormwater Drainage systems shall minimise runoff, and where possible accommodate runoff within the site. Flows shall be conveyed through stormwater pipes and treated at the end of line with a suitable device such as a constructed wetland, details Calculations shall be provided confirming that pipes are adequately sized to suit the entire development prior to issue of Construction Certificate. Stormwater quality must be suitable for discharge into the adjacent creeks in accordance with Managing Urban Stormwater - Soils and Construction Vol. 1, 4th Edition prepared by Landcom.</p>
<b>Full Width Road Construction</b>	<p>Full width road and drainage construction for all proposed roads on the approved plan.</p> <p>Local Roads 8m wide, collector roads and bus routes 11m wide within a 20m road reserve (min)</p> <p>Prior to issue of a construction certificate for <u>Stage A1</u>, the following details shall be submitted for Council's approval:</p> <ul style="list-style-type: none"> <li>• A qualified practicing Civil Engineer shall carry out a structural</li> </ul>

Required work	Specification of work
	<p>analysis of the existing Alexandra Drive road pavement and provide a detailed report recommending a design for reconstruction as required to current standards for use by heavy vehicles and full development of the subject site. The recommended construction works to be completed prior to the issue of the Subdivision Certificate for Stage A1.</p> <p>Alexandra Drive pavement design shall be based on a minimum 50 year design life and have a minimum 8m carriageway width.</p> <ul style="list-style-type: none"> <li>• The intersection of Alexandra Drive and Old Coast Road shall be constructed to reflect drawing Number C101 and in accordance with Austroads Guide to Traffic Engineering Practice – Part 5 Intersections at Grade;</li> <li>• The proposed roundabout the southern intersection of the development and Alexandra Drive shall be designed to current Austroads standards and constructed in conjunction with Stage A1 roadworks; (applicant needs to demonstrate turning manoeuvres can be achieved at the roundabouts)</li> <li>• Details shall be submitted for council approval detailing the connection treatment of road pavements and seals to existing roads and between stages of construction works</li> <li>• 13m radius temporary turning circle with guideposts required at the end of each stage of road construction</li> </ul>
<b>Traffic Control Devices</b>	Regulatory and warning signs and posts, pavement markings and other devices where required for proposed new roads in accordance with the requirements of AS 1742.2 -2009 Traffic control devices for general use and Austroads Guide to Traffic Management series.
<b>Traffic Calming</b>	Traffic Calming measures to encourage a low speed environment throughout the subdivision and Alexandra drive, details to be submitted to and approved by council.
<b>Pedestrian Refuge</b>	Pedestrian refuges to be installed at anticipated high use crossings, details to be submitted to and approved by council.
<b>Bus Shelters</b>	Provision of bus shelters as indicated on plans with details of adjacent traffic slowing measures to be submitted and approved by Council.
<b>Footpath Construction</b>	Footpath Construction, landscaping and street lighting of neighbourhood parks and pathway links at locations indicated in the Landscape Masterplan
<b>Footpath Construction</b>	A 1.2 metre wide concrete footpath at least one side of the local roads offset from the kerb line.
<b>Cycleway Construction</b>	A 2.5 metre wide shared concrete footpath/cycleway for all proposed cycleways identified on the approved plan with roads offset from the kerb line. All cycleways shall be clearly marked and sign posted with adequate lighting for security
<b>Gutter Crossings</b>	Gutter crossings to each of the proposed community Parklands or areas that require vehicular access for maintenance purposes, where other than a rollover kerb is used.
<b>Driveways</b>	Providing vehicular access to the pump station site consisting of a sealed access road 3.5 metres wide must be provided prior to

Required work	Specification of work
	release of the subdivision certificate.
<b>Service Conduits</b>	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
<b>Street Lighting</b>	Street lighting being provided to the requirements of Essential Energy.
<b>Street Name Signs</b>	Street name signs and posts to all proposed new roads. <i>(Note: street/road names proposed for the subdivision must be submitted for Council approval prior to lodgement of the Construction Certificate application. A suitable name for any new road/s must be in accordance with Council's adopted policy).</i>
<b>Estate sign and/or structure</b>	Council will not accept ownership or responsibility for the sign or structure. Council will need to be satisfied that a Plan is in place that will provide for ongoing maintenance of the sign and/or structure. Council reserves the right to assess the condition of the sign or structure and also its relevance at intervals of 5 years. The Estate name will not be recognised by Council as part of a property address.
<b>Stripping and Stockpiling</b>	Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.
<b>Inter-allotment Drainage</b>	Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments where it is not possible to provide a gravity connection of future roofwater to the kerb and gutter.  Inter-allotment drainage pits shall be located at all changes of direction, shall be constructed of concrete with 100mm thick walls and a minimum floor dimension of 600 x 600mm, with concrete lids.
<b>Culverts across required drainage channels or streams</b>	Culvert to be designed to ensure that peak flow rates for the 1 in 100 year storm event are not affected. The applicant is to obtain any necessary approvals from the Department of Natural Resources and/or the Department of Primary Industries, Fisheries, and plans.
<b>Stormwater Outlets</b>	An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.
<b>Stormwater Quality</b>	Stormwater quality must be suitable for discharge in accordance with Department of Land and Water Conservation NSW (1998) The Constructed Wetlands Manual and NSW Department of Housing Manual (1989), Managing Urban Stormwater - Soils and Construction Vol. 1, 4th Edition prepared by Landcom.
<b>On-site Stormwater Detention</b>	Stormwater must be discharged via an on-site stormwater detention system that is to be designed to ensure that peak flow rates for the 1 in 20 year storm event exiting the subdivision do not exceed that occurring in the pre-development state. The Design must be in accordance with The Institution of Engineers, Australia (1987), <i>Australian Rainfall and Runoff</i> .
<b>Access to Stormwater Structures</b>	An all-weather gravel vehicle access must provided to detention ponds, drainage discharge points, filter controls and wetland areas for access by Council for maintenance purposes.

Required work	Specification of work
Filling to above Flood Level	Filling of Lots with clean suitable material to a level above to the 1% flood level.

### **Landscape Plans**

- 11 The plans and specifications to accompany the Construction Certificate application are to include a detailed landscape plan indicating the locations, names, mature heights of shrub and tree species to be planted, and the location of grassed and paved areas. The design is to include an effective physical barrier between public spaces, vehicles, accessways, parking areas and the surrounding landscaped area. The Plan must be prepared by a qualified landscape architect or professional landscape consultant.

### **Traffic Control Plan**

- 12 The plans and specifications to accompany the Construction Certificate application are to include a traffic control plan to indicate the measures to be employed to control traffic during construction of the subdivision. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual (1998), *Traffic Control at Work Sites*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

### **Splay corner required**

- 13 Splay corners at intersections are to be dedicated to Council at no cost to Council.

### **THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO SUBDIVISION WORKS COMMENCING**

#### **Written Notification**

- 14 Written notification of intention to commence works must be forwarded to the Council seven (7) days prior to work commencing. Notification is to include contact details of the supervising engineer and site contractor.

#### **Public Liability Insurance**

- 15 The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council is to be nominated as an interested party on the policy. The public liability insurance cover is to be maintained for the duration of the period of the works and during any maintenance period.

#### **Erosion & sediment measures**

- 16 Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

**Note:** Council may impose on-the-spot fines for non-compliance with this condition.

#### **Construction times**

- 17 Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on residential premises, can only occur:

- a Monday to Friday, 7.00 am to 6.00 pm.
- b Saturday, 8.00 am to 1.00 pm.
- c No construction work to take place on Sundays or Public Holidays.



### **Responsibilities under the National Parks and Wildlife Act 1974**

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

### **Maintenance of sediment and erosion control measures**

- 19 Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

### **Bond required to guarantee against damage to public land**

- 20 A bond of 5% of the construction value of each stage of works is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.

### **21 Construction noise**

Construction noise is to be limited as follows:

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

### **Fencing to protect trees**

- 22 Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the drip line of the trees. The fence is to be constructed:

- c with a minimum height of 1.2 metres,
- d outside the drip line of the tree,
- e of steel star pickets at a maximum distance of 2 metres between pickets,
- f using a minimum of 3 strands of steel wire,
- g to enclose the tree, and
- h with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

### **Care to be taken when placing services near trees**

- 23 All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as minimise root disturbance where services are to be laid within the dripline of a tree.

### **No filling around trees**

- 24 No soil or fill material is to be placed within the drip line of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil/fill must be finer than that being covered in situ, *eg clay must not be placed over loam soil.*

### **Inspection of Public Works**

- 25 Development works on public property 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. You must quote your construction certificate number and property description to book your inspection.
- a prior to commencement of site clearing and installation of erosion control facilities;
  - b at completion of installation of erosion control measures;
  - c prior to installing traffic management works;
  - d at completion of installation of traffic management works;
  - e at the commencement of earthworks;
  - f before commencement of any filling works;
  - g when the sub-grade is exposed and prior to placing of pavement materials;
  - h when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - i at the completion of each pavement (sub base/base) layer;
  - j before pouring of concrete for kerb and guttering;
  - k prior to the pouring of concrete for sewerage works;
  - l on completion of road gravelling or pavement;
  - m during construction of sewer infrastructure;
  - n during construction of water infrastructure;
  - o prior to sealing and laying of pavement surface course.

All works at each hold point are to be certified as compliant, in accordance with Council's current Design and Construction Manuals and Specifications, prior to proceeding to the next hold point. Council will undertake random audits of work sites to verify compliance of public works as required.

### **Public safety requirements**

- 26 All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.

### **Council Specification**

- 27 All works are to be constructed to at least the minimum requirements of Council's Adopted Engineering Standard.

### **Approved Plans to remain on site**

- 28 A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

### **THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**

#### **Contributions and Certificate of Compliance (Water, Sewer and Drainage)**

29 Contributions set out in the following table are to be paid to Council.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	No of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	330	\$12,033	\$3,970,890	01/07/2014
Sewer	330	\$9,090	\$2,999,700	01/07/2014
Drainage				
<b>TOTAL</b>			\$6,970,590	01/07/2014

#### Contribution to be paid towards provision or improvement of amenities or services

30 Contributions set out in the following Schedule are to be paid to Council. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

#### Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979

Public amenity or service	Unit type	No of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Community Facilities and Open Space	Lot	346 – (15+1) = 330	\$1,904	\$628,320	30/06/14
Bellwood Local Roads and Traffic Infrastructure	Lot	330	\$3135	\$1,034,550 - %23 (equalling Link Rd contribution) = \$796,603.50	
Road Upgrading: Bellwood Road intersection	Lot	330	\$877	\$289,410	30/06/14
Surf Life Saving Equipment	Lot	330	\$107	\$35,310	30/06/14
Section 94 Administration Charge			10% of above total	\$174,964.35	30/06/14
<b>TOTAL</b>				\$1,924,607.80	

### **Certificates for Engineering Works**

- 31 The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's Adopted Engineering Standard.

### **Works-As-Executed Plans**

- 32 Works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, are to be submitted with the application for a subdivision certificate. Where the design is carried out utilising computer aided design CAD, all cad computer files are required to be provided on CD (Compact Disc) with the final drawings. The CAD files must include all lot and road boundaries, lot numbers and easements. The data is to be supplied in accordance with the requirements of Council's GIS Officer. In the case where development involves filling of flood prone land, an additional copy of the works-as-executed plan relating to earthworks and final plan of subdivision must be submitted detailing the 1% flooding contour.

### **Certificate for Pipes, Access Driveways, etc. Within Easements**

- 33 A certificate from a registered surveyor is to be submitted to Council certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

### **Electricity Supply Certificate**

- 34 Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.

### **Telephone Supply Certificate**

- 35 Written evidence from Telstra is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground telephone supply throughout the subdivision.

### **Certificate of Compliance**

- 36 Written evidence from Nambucca Shire Council is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made with Nambucca Shire Council for the provision of adequate water supply and that payment of all relevant capital contributions toward headworks has been made.

### **Record of Infrastructure**

- 37 A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council.

### **Restrictions as to user**

- 38 Site 4 as identified by AHIMS, shall have a "restriction as to user" covenant placed over it preventing disturbance or building to the satisfaction of the Office of Environment and Heritage.

The Section 88b instrument shall provide a warning to persons of Aboriginal descent that land within the hearing range of a "bullroarer" from the "Diamond Tree" site may have impacts on the health of females and children.

### **Completion of All Works**

- 39 All roads, drainage and civil works, required by this development consent and associated Construction Certificate, are to be completed.

### **Erection of Street Signs**

- 40 The subdivider is to supply and erect street signs for the approved street names in accordance with this development consent and the Construction Certificate approval.

## Maintenance Bond

- 41 A maintenance bond of 10% of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 12 months and will commence from the date of issue of the final Compliance Certificate. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

## Notice to be fixed to onsite detention system

- 42 A plate is to be fixed onto the onsite detention system, 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".

## Plan of Subdivision

- 43 An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application. Seven (7) copies of the plan of subdivision are to 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 1 of the copies.

## Plan of Subdivision and Section 88B Instrument requirements

- 44 A Section 88B Instrument and 1 copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
<b>Dedicated Public Road Access</b>	Dedication of suitable public road accesses to all proposed allotments.
<b>Dedicated Public Pathway</b>	Dedication of the proposed pathway(s) to the public.
<b>Dedicated Public Reserve</b>	Dedication of the proposed Lot(s) as public reserve.
<b>Dedicated Corner Splays</b>	Dedication of 7.5m corner splays at all street junctions and intersections.
<b>Inter-allotment Drainage Easements</b>	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.
<b>Drainage Easements</b>	The creation of easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.
<b>Drainage Reserve</b>	The dedication of a drainage reserve over the drainage treatment devices and constructed access.
<b>Sewer Easements</b>	The creation of 3m wide easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.
<b>Easement for Support</b>	The creation of a suitable easements for support/batter as required for the provision of infrastructure
<b>Prohibit development</b>	Prohibiting the erection of buildings on land which is inundated by a 1% AEP

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
<b>on Flood Prone Land</b>	flood event.
<b>An easement to allow the maintenance of the fire trail, fuel reduced zone and fuel free zone</b>	Easement to provide access by Council and Rural Fire Service in the event that maintenance is not carried out

45. If items of Aboriginal heritage are discovered within any work zone during future site construction works or processes, the items are to be immediately reported to OEH and all work in that area is to be stopped until the find has been investigated by OEH and advice received from OEH confirming that site work can re-commence.

46. Rural Fire Service of NSW General Terms of Approval:

a. The development proposal is to comply with the subdivision layout identified on the drawing prepared by de Groot & Benson numbered 91111-112 (Amendment No. C), dated January 2014.

b. At the issue of subdivision certificate and in perpetuity the entire area of each newly created residential lot shall be managed 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'.

c. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on relevant lots (including public reserves) within the respective stages of the subdivision requiring the provision of asset protection zones (APZ) as shown on the drawing prepared by de Groot & Benson numbered 91111-112 (Amendment No. C), dated January 2014. APZs 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'.

d. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the undeveloped residue lot at the issue of subdivision certificate for Stages A1, A2, B1, C1, C2 and D1 requiring a 22 metre wide temporary asset protection zone (APZ) around the perimeter of the relevant subdivision stage. The temporary APZ shall be managed 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' and shall be established prior to issue of subdivision certificate.

e. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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

g. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the residue lot at Stages A1 and A2 requiring a temporary alternative access to be provided from the cul-de-sacs in each stage to the existing northern roundabout on Alexandra Drive at the intersection with proposed Bus Road 3. The temporary alternative access shall be constructed prior to issue of subdivision certificate and shall be maintained in accordance with section 4.1.3(3) of 'Planning for Bushfire Protection 2006'. The temporary alternative access may be deleted upon commencement of Stage C1.

h. Any temporary cul-de-sac created in the respective stages of the development shall provide an all-weather 12 metre outer radius turning circle.



i. The proposed southern extension of Alexandra Drive to link with Marshall Way (DA 2013/183) shall be constructed prior to the issue of subdivision certificate for stage A1.

j. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

#### 47. NSW Office of Water General Terms of Approval

##### **Plans, standards and guidelines**

a. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/011 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

b. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (eM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

c. The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Works Schedule
- (iii) Erosion and Sediment Control Plan

d. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) Outlet structures
- (iv) Watercourse crossings

e. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

##### **Rehabilitation and maintenance**

f. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

g. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

##### **Access-ways**

h. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

**Bridge, causeway, culverts, and crossing**

i. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

**Disposal**

j. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**Drainage and Stormwater**

k. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

l. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

**Erosion control**

m. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

**Excavation**

n. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**Maintaining river**

o. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

**River bed and bank protection**

p. The consent holder must establish a vegetated riparian zone along Swampy and Bellwood Creeks in accordance with a plan approved by the NSW Office of Water.

48. In accordance with Part 20A, Telecommunications Act 1997, the subject development shall include 'fibre-ready' pit and pipe utilities; and arrangements shall be made with a telecommunications carrier of the proponents choice to provide telecommunications infrastructure throughout the development. Discussions should be held with the preferred carrier on their pit and pipe requirements to facilitate deployment. Details, plans and specifications for the above (along with appropriate certification from the selected carrier) shall be submitted with all relevant construction certificates for the development.

**REASONS FOR CONDITIONS**

- 1 To comply with the provisions of Nambucca Local Environmental Plan 2010.
- 2 To ensure the development is completed in accordance with conditions of consent and approved plans.
- 3 To preserve the environment and existing or likely future amenity of the neighbourhood.
- 4 To provide and/or maintain an adequate drainage network that will not cause damage to existing or future development.
- 5 To ensure that appropriate landscaping is provided.
- 6 To provide funds for the provision of services and facilities as required by the increased population or activity.
- 7 To ensure compliance with engineering standards.
- 8 To minimise the possible adverse effects from bushfires.
- 9 To ensure compliance with Section 68 of the Local Government Act 1993.
- 10 To ensure compliance with Local Government (Approvals) Regulation 1999 (Part 4 Approvals relating to management of waste)
- 11 To ensure compliance with the Roads Act 1993.