

FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2012/381

DATE: 5/02/2013

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 – Division 8A of the Environmental Planning & Assessment Regulations 2000.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Volume 1 - Statement of Environmental Effects	Milland Pty Ltd & Seawide Pty Ltd	King & Campbell Pty Ltd	July 2012
Volume 2 - Specialist Reports	Milland Pty Ltd & Seawide Pty Ltd	King & Campbell Pty Ltd	July 2012
Concept Plan and Approval of Statement of Commitments	MP07_0010 - Appendices B & C	Minister for Planning and Infrastructure	28 November 2011
Stage 1 Project Approval	MP07_0010 - Appendices D & E	Minister for Planning and Infrastructure	28 November 2011
Site Plan	DA02 - Sheet 01 Revision B	King & Campbell Pty Ltd	23 July 2012
Proposed Subdivision with existing zones	DA03 - Revision C	King & Campbell Pty Ltd	30 January 2013
Proposed Subdivision Layout Plans	DA04 - Sheets 01, 02 and 03 - Revision C	King & Campbell Pty Ltd	30 January 2013
Indicative Staging Plan and Table	DA05 Revision C and 3.1.2 of SoEE	King & Campbell Pty Ltd	31 January 2013
Indicative Landscape Plan	DA06 Revision B	King & Campbell Pty Ltd	23 July 2012
Infrastructure Servicing Plans	DA07 Revision B Sheet 01 - Intersection detail	King & Campbell Pty Ltd	23 July 2012

	Sheet 02 - Sewer reticulation strategy Sheet 03 - Water main strategy Sheet 04 - Relocation of existing services Sheet 05 - Proposed sewer truck strategy		
Bushfire Asset Protection Zones	DA08 Revision B	King & Campbell Pty Ltd	23 July 2012
Stormwater Management Plan	DA09 Revision B	King & Campbell Pty Ltd	23 July 2012
Indicative Site Cross Sections	Sheets 01 and 02	King & Campbell Pty Ltd	27 July 2012
Voluntary Planning Agreements	Appendix G	-	14 September 2011
Statement of Mutual Intent	Appendix H	-	21 May 2012
Vegetation Management Plan	Appendix I	King & Campbell Pty Ltd	July 2012
Cultural Heritage Management Plan	Appendix J	King & Campbell Pty Ltd	July 2012
Bushfire Protection Assessment	Appendix K	Australian Bushfire Protection Planners Pty Ltd	23 March 2010
Construction Management Strategy	Appendix L	King & Campbell Pty Ltd	July 2012
Total Water Cycle Management Plan	Appendix M	King & Campbell Pty Ltd	July 2012
Geotechnical Constraints Assessment	Appendix N	Martens Consulting Engineers	July 2012
Acid Sulfate Soil Assessment	Appendix O	Martens Consulting Engineers	July 2012
Area 14 Draft Ocean Drive Corridor Plans	Appendix P	King & Campbell Pty Ltd	7 June 2012
Flora and Fauna Survey	Appendix Q	Peter Parker Environmental Consultants	July 2012
Traffic	Appendix R	King & Campbell	July 2012

Management		Pty Ltd	
Hydrogeological Investigation and Stormwater Management Assessment	Appendix S and letter from Martens dated 8 November 2011	Martens Consulting Engineers	July 2012 and 8 November 2012.
Flood Assessment	Appendix T	Cardno Pty Ltd	13 October 2010
Groundwater Management Plan	Appendix U	Martens Consulting Engineers	July 2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1 - Project Approval Environmental Works
 - Stage 2 - Boundary Adjustment with Special Terms Right-of-Carriageway over existing track in use.
 - Stage 3 - First Development Stage (S2 on Seawide Property, M2 on Milland Property)
 - Stage 4 - Additional Development Stages (S3-S7) and/or (M3-M10)

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications which are prescribed at the time of commencement of engineering works.
- (5) (A016) This consent does not override any requirements of the *Native Vegetation Act 2003* and/or the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (6) (A019) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC Specifications. Some of the issues to be discussed and incorporated in the design plans include, but are not limited to the following:
 - Traffic Impact Study (TIS) Requirements
- (7) (A029) The provision, at no cost to Council, of concrete foot paving along the Ocean Drive frontage as follows:
 - a) From Ocean Drive & Miala Street intersection to proposed shareway/footway along the eastern side of Road #6, a 2.5m metre wide shareway/footpath is required with design details in accordance with AUSPEC and Council Standard drawings.

Construction of works shall be completed as part of the earlier of Milland (M2) and/or Seawide (S2) development stages. Details to be provided in conjunction with the Construction Certificate for subdivision works and/or Section 138 Roads Act Application.

- b) From the existing Ocean Drive pedestrian refuge between Lake Cathie Medical Centre and Abel Tasman Road connecting to the beach access, a minimum 1.2m metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawings. The location of the access can be provided through one of the following:
- 1) a 4m wide public access way connecting Ocean Drive to the Road #3 public footpath network; or
 - 2) Concrete footpath paving along the eastern side of Ocean Drive (from the pedestrian refuge to Road #5 pedestrian footpath paving network).

Construction of works shall be completed as part of the first development stage of Seawide (S2) works. Details to be provided in conjunction with the Construction Certificate for subdivision works and/or Section 138 Roads Act Application.

- (8) (A031) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access
- Ocean Drive & Abel Tasman Intersection Works

- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.

- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:

- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
- c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A034) At the terminal end to any public road associated with a given development stage, "dead-end" roads are to be extended to AUSPEC standard (AUSPEC D1.5) joining smoothly with the existing section of road ending in a temporary sealed nine (9) metre radii cul-de-sac with reflectorised posts.

Prior to Subdivision Certificate, a special terms right-of-carriageway shall be formed over temporary turning circles to enable the use of the turning area by Council and the public with formal release of the easement in full with future road dedication of the turning area.

- (12) (A044) Extension or modification of the town water supply system where necessary to serve the development, at no cost to Council.
- (13) (A045) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (14) (A047) Provision to each lot of a separate sewer line to Council's main.
- (15) (A050) All water, sewer and stormwater services necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's AUSPEC Specifications.
- (16) (A052) All Sewage Pumping Stations are to be contained wholly within a separate lot dedicated to Council inclusive of constructed and sealed access handle to the public road. Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (17) (A053) The required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Any costs associated with these works shall be the responsibility of the proponent or any other persons as agreed to otherwise.

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

- (18) (A056) One (1) metre clear distance is required around any vertical inspection shaft and any manhole.
- (19) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (20) (A195) Release of each subdivision stage will be contingent upon the successful implementation of the Vegetation Management Plan to Council's satisfaction.

- (21) (A198) Ocean Drive Traffic Impact Study for Ocean Drive & Abel Tasman Road Intersection Works. As required or warranted, the intersection shall be incrementally upgraded to the ultimate intersection design (including signalisation) as required in accordance with the Area 14 corridor traffic requirements. All cost associated with construction of intersection improvements (including but not limited to signalisation, road work, drainage, pedestrian features, utility relocations, street lighting, and line marking) shall be constructed at no cost to Council or the RMS. Improvements cost and cost offsets shall be defined in a VPA or Section 94 contribution plan scheme, as appropriate.

1. Prior to the issue of the first Construction Certificate (for subdivision works) associated with Lot 4, DP 615261 (Seawide, S2) or Lot 1 DP 374315 (Milland, M2), the applicant shall provide the following:

- a. Traffic Impact Study (TIS) by a suitably qualified traffic consultant analysing the capacity and operation of the Ocean Drive & Abel Tasman Drive intersection. Requirements of the TIS shall be agreed upon through a methodology statement with Council and the RMS prior to study.

At a minimum the traffic study shall evaluate:

- i. Traffic generating impacts associated with the full buildout of the development lands anticipated to utilize the intersection (inclusive of Lot 1, DP 374315; Lot 4, DP 615261; Lot 1232, DP 1142133; and Lot 5, DP 25866). Traffic generation shall be estimated from the Roads & Maritime Services (RMS), *Guide to Traffic Generating Development*.
- ii. Existing traffic impacts at the Ocean Drive & Abel Tasman Road intersection during the morning and afternoon peak periods.
- iii. Future traffic conditions associated with traffic generating impacts and background traffic growth not associated with the development lands stated above.

Traffic analysis shall be conducted using the agreed upon methodology, software (i.e. SIDRA or similar), and procedures to evaluate:

- i. Existing and future traffic conditions at the Ocean Drive & Abel Tasman Road intersection.
 - ii. Required intersection geometry to address develop detailed concept plans for future intersection improvements (including signalisation).
- b. Detailed concept plans for the ultimate intersection design (including signalisation) at Ocean Drive & Abel Tasman Road intersection. Concept plans shall be formed to the necessary level of detail to establish the ultimate intersection layout required at completion of the development and establish necessary subsurface infrastructure locations (i.e. utility and conduit locations) to be constructed with intersection improvements and shall fit in with Council Area 14 corridor planning of future Ocean Drive widening to a four-lane (dual carriageway) arterial.

2. Prior to the issue of each Construction Certificate (for subdivision works) associated with this development application on Lot 4, DP 615261 or Lot 1 DP 374315, the applicant shall provide the following:

- a. Traffic Impact Study (TIS) by a suitably qualified traffic consultant analysing the capacity and operation of the Ocean Drive & Abel Tasman Drive intersection. Requirements of the TIS shall be agreed upon through a

methodology statement with Council and the RMS prior to study. The purpose of the study will be to determine any:

- i. Necessary intersection and road improvements to be constructed with the associated development stage(s).
- ii. Signalisation requirements with the proposed development stage. Signal warrant analysis shall be conducted using the current Roads & Maritime Services (RMS) traffic signal warrant criteria at the time of study.

At a minimum the traffic study shall evaluate:

- iii. Traffic generating impacts associated with the current development stage(s) anticipated to utilize the intersection (inclusive of Lot 1, DP 374315; Lot 4, DP 615261). Traffic generation shall be estimated from the Roads & Maritime Services (RMS), *Guide to Traffic Generating Development*.
- iv. Existing traffic impacts at the Ocean Drive & Abel Tasman Road intersection during the morning and afternoon peak periods.
- v. Vested and/or reserved traffic impacts from previously approved development stages not realised in existing conditions.
- vi. Future traffic conditions associated with traffic generating impacts and background traffic growth not associated with the development lands stated above.

- b. Any outstanding intersection improvements associated with the ultimate intersection design (including signalisation) not completed prior to the final stage of development shall be constructed as part of the final stage of this development.

- (22) (A199) - Right of Carriageway with Lead In Road Boundary Adjustment. If no road has been formed to provide public access to existing Lot 1, DP 374315 (as proposed to be modified by boundary adjustment in Stage 2), a right-of-carriageway shall be formed in favour of existing Lot 1, DP 374315 (as modified by boundary adjustment) as part of the application for Subdivision Certificate for the boundary adjustment (in Stage 2) to provide legal access.
- (23) The three (3) sewer rising mains that currently traverse Lot 4 DP 615261 are to be relocated to within proposed Road No 1 in accordance with the staging plan. Pipelines are to be installed by the developer. Connections to live mains are to be carried out by Council or under Council supervision.
- (24) The sewer infrastructure works as detailed in the sewer reticulation strategy are to be undertaken at the respective stages as outlined in the staging table and staging plan.
- (25) The overflow gravity sewer main is to be constructed to the new SPS in Lot 1 DP 374315 during stage S2. The existing system has the capacity to accept an additional 20 residential lots. Once 20 residential lots are released the sewer by pass works shall be completed prior to the release of any further Subdivision Certificates.
- (26) All abandoned sewer rising mains shall be removed and appropriately disposed of.
- (27) The applicant is to enter into and comply with the planning agreements under section 93F of the *Environmental Planning and Assessment Act 1979*, known as the Seaside Area 14 Stage 1B Planning Agreement dated 14 September 2011 between Port Macquarie Hastings Council and Seaside Pty Ltd and the Milland Area 14 Stage 1B Planning Agreement dated 14 September 2011 between Port Macquarie Hastings Council and Milland Pty Ltd, in relation to the carrying out of the development the subject of this consent.

- (28) The Environmental Management Land is to be dedicated as a public reserve free of cost to Council in accordance with the Seaside Area 14 Stage 1B Planning Agreement and Milland Area 14 Stage 1B Planning Agreement at the time of dedication of the adjoining perimeter road in accordance with the approved staging plan, unless otherwise agreed by Council. The south-western environmental management land is to be dedicated as a public reserve free of cost to Council at the time of dedication of the adjoining road as part of stage M5.
- (29) The whole of the eastern component of the Local Park and adjoining perimeter road to be dedicated as a public reserve free of cost to the council in accordance with the Seaside Area 14 Stage 1B Planning Agreement and Milland Area 14 Stage 1B Planning Agreement at the same time as dedication of the perimeter road for stage M2 or S2, whichever occurs first. The remainder of the local park is to be dedicated as a public reserve free of cost to the Council in conjunction with the first Subdivision Certificate for land zoned B4 and located immediately adjacent to the local park.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. New roads within the subdivision.
 3. Earthworks, including filling of the land for flood protection.
 4. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with D1 and AS 2890.
 5. Sewerage reticulation.
 6. Water supply reticulation.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage

d. Stormwater

10. Landscaping.

11. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings located at in accordance with Council's current requirements along Collector Road network.

12. Provision of a paved and signed cycleway route along Road #1 (from Ocean Dr to Road #14, Road #14 (from Road #1 to Road #6, Shareway (from Road #14 to Ocean Drive in accordance with AUSTROADS Part 15 and Council's adopted AUSPEC Design and Construction Guidelines.

13. Provision of pedestrian access ways a minimum of 4m wide, from Ocean Drive pedestrian refuge to Road #3 or Road #5 footpath network; such access ways to include a concrete pathway 1.2 m wide including kerb ramps where necessary.

14. Detailed intersection layout at the junction of Ocean Drive & Abel Tasman Road, Ocean Drive & Hilltop Village Road Roundabout; all additional public intersections; and private access laneways servicing the "Hilltop Village" in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.

15. Designs for Stormwater/detention/water quality treatment facilities must be accompanied both a construction staging plan to detail the timing of construction of the varying components of the system and by Maintenance Schedule(s) prepared in accordance with AUSPEC D7.

(3) (B004) Road network within the subdivision is to be categorised with carriageway width as follows:

Road 1 No. "Lead in Road"	Width 25m	Type: Collector Road (with on street cycleways) Pavement to be designed to "Commercial" "Road Standard"
Road 2 No.	Width 16m	Type: Commercial Street
Road 3 No. (south of Road #2)	Width 15m	Type: Local Street Pavement design to "Commercial" Street Standard with SA kerb adjacent to medium density development
Road 3 No. (north of Road #2)	Width 15m	Type: Local Street
Road 4 No.	Width 15m	Type: Local Street
Road 5 No.	Width 13.5m	Type: Access Place Pavement design to "Local" Street Standard with SA kerb
Road 6 No. "Recreational Street"	Width 19m	Type: Collection Road Pavement design to "Commercial" Street

		Standard between Road #3 and Road #9 with SE kerb only permitted adjacent to "General Residential" uses
Road 7 "Hilltop Village Main Street" No.	Width 25m	Type: Commercial Street
Road 8 No.	Width 16m	Type: Commercial Street
Road 9 No.	Width 16m	Type: Local Street Pavement design to "Commercial" Street Standard with SA kerb adjacent to medium density development
Road 10 No.	Width 15m	Type: Local Street
Road 11 No.	Width 15m	Type: Local Street
Road 12 No.	Width 15m	Type: Local Street
Road 13 No.	Width 15m	Type: Local Street with SA kerb adjacent to medium density development
Road 14 No.	Width 15m	Type: Collector Road (with on-street cycleways) with SA Kerb

- (4) (B005) Approved design plans by the RMS of the proposed engineering works detailed below shall be submitted to the Council as the Road Authority for approval prior to the issue of a Construction Certificate.
- *Ocean Drive & Abel Tasman Road intersection improvements and signalisation*
- (5) (B006) The provision of additional civil works at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Construction Certificate.
- (6) (B007) If engineering works are of a value equal to or greater than \$25,000, a detailed estimate of cost of the civil engineering works and documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans.
- (7) (B008) This consent approves the staging of the subdivision subject to:
- a. the applicant supplying an updated staging plan when lodging a Construction Certificate application showing each of the preceding stages and the proposed stages of the subdivision;
 - b. compliance with any other conditions of consent in relation to the staging of works.

(8) (B015) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.

(9) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

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

(10) (B017) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

(11) (B019) The local water supply reticulation mains are to loop within the subdivision to minimise dead ends and connect to the existing reticulation wherever possible.

(12) (B022) Prior to issue of a Construction Certificate, for the proposed total development, the proponent is to provide a water supply strategy detailing subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.

(13) (B030) An application under Section 138 of the Roads Act 1993 is to be submitted to and approved by Council for works associated with the development on or within the Public Road.

(14) (B033) An Erosion and Sediment Control Management Plan shall be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate.

The plan shall include measures to:

- a. Prevent site vehicles tracking sediment and other pollutants from the development site.
- b. Dust control measures.
- c. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
- d. Contingencies in the event of flooding.

(15) (B034) The submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;

- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

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

- (16) (B039) Structural engineer's details for all reinforced concrete footings (Boardwalk Works) are to be submitted with the application for Construction Certificate.
- (17) (B052) The provision of splay corners in accordance with Port Macquarie-Hastings Council DCP 2011. Details must be submitted to and approved by Council prior to issue of the Construction Certificate.
- (18) (B053) The design of the carpark and accesses is to be in accordance with AUSPEC and AS 2890. Certification of the design by a suitably qualified consultant is to be provided prior to issue of the Construction Certificate (for public car park and on-street parking).
- (19) (B056) Prior to the issue of any Construction Certificate plans, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (20) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (21) (B195) The water main layout proposed with the development application as well as proposed water main adjustments are acceptable in principle. The water main layout shown is to also include parallel reclaimed water mains. Final details and water main sizings are to be addressed with the engineering plans.
- (23) (B197) A stormwater drainage plan prepared in accordance with AUSPEC D5 and D7 and the Total Water Cycle Management Plan dated July 2012 prepared by King and Campbell must be submitted with the application for Construction Certificate. The plan shall include details of any staging of the construction/landscaping of the stormwater treatment facilities and nominate the trigger(s) for handover of the completed facilities to Council at the completion of the development.
- (24) (B198) Road #14 shall be constructed full width between Road #1 and Road #6 as part of Stage M7.
- (25) (B199) As Traffic control signals are required on a classified road. The developer will be required to enter into a Works Authorisation Deed (WAD) with RMS, which will exercise its powers under Section 87 of the Roads Act 1993 (The Act) and/or the functions of the roads authority, to oversee the Traffic control signals in accordance with Sections 64 and 71, as applicable, for all works under the WAD.

Upon Council's determination of the warrants for signalisation of the Ocean Drive - Abel Tasman intersection, the developer shall enter into a WAD with RMS for all road works associated with the installation of Traffic Control Signals on the classified road (Ocean Drive).

Upon Council's determination of the warrants for the signalisation of the Ocean Drive - Abel Tasman intersection the developer shall complete all road works associated with the installation of traffic control signals as required under the WAD to practical completion, as determined by RMS, prior to issuing any further subdivision certificate for the proposed subdivision. All

works shall be undertaken at full cost to the developer to the satisfaction of RMS.

- (26) (BP200) Amended detailed Landscape Plans are to be submitted and approved by Councils Recreation and Buildings section for each stage of the development prior to the issue of a Construction certificate. The detailed landscape plans are to include a modified Street Tree Species List, a minimum 12 months maintenance schedule, Advanced Street Tree Planting Pit detail with all street tree stock to be advanced 75 to 100litre NATSPEC compliant.
- (27) (BP201) A Tree Protection Plan is to be submitted and approved by Councils Recreation and Buildings section to ensure all measures are taken to prevent damage to trees and other vegetation (including root systems) to be retained during site works and construction. Please contact Council's Tree Management Section for details to be provided in the Tree Protection plan.
- (28) Cost sharing of the proposed sewer infrastructure works is to be determined and formalised.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (3) (C004) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works until the site is made stable by permanent vegetation cover or hard surface.
- (4) (C005) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

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

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

- (5) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (6) (C008) No access through the reserve shall be allowed without first obtaining written approval from Council's Parks and Gardens Manager. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be

revegetated to the satisfaction of Council. Such approval would need to be undertaken in accordance with Council Policy.

- (7) (C012) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.
- (8) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (9) (C195) A Qualified ecological consultant is to inspect all native trees approved for removal prior to felling. If there are any koala or other fauna species in the tree, work is to cease until the animal has moved from the area.
- (10) (C196) Trees protection fencing is to be in place prior to commencement of any works on site and must remain in place until the works are complete. No building materials or other items is to be placed or stored within fenced off areas.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. at completion of installation of traffic management works
 - c. at the commencement of earthworks;
 - d. before commencement of any filling works;
 - e. when the sub-grade is exposed and prior to placing of pavement materials;
 - f. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - g. at the completion of each pavement (sub base/base) layer;
 - h. before pouring of kerb and gutter;
 - i. prior to the pouring of concrete for sewerage works and/or works on public property;
 - j. on completion of road gravelling or pavement;
 - k. during construction of sewer infrastructure;
 - l. during construction of water infrastructure;
 - m. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D003) The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.

- (3) (D004) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (4) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (5) (D014) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
- Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays
- The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (D019) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (7) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (8) (D032) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- (9) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (10) (D035) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, trees (nominated for retention) constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (11) (D036) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (12) (D195) Street tree planting is to be undertaken by a landscaper, horticulturist or arborist experienced in planting advanced trees in accordance with Councils Advanced Street Tree Planting Guide.
- (13) (D196) Removal of trees is to be undertaken in compliance with Workplace Health and Safety Act 2011, Regulations and NSW Work Cover code of practice amenity tree industry.
- (14) (D197) Disposal of trees approved for removal is to be undertaken in a sustainable manner where possible such a chipped or mulched and reused onsite. Burning of vegetation is not permitted.

E – PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Council, in accordance with the approved Construction Certificate.
- (3) Payment to Council, prior to the issue of the Subdivision Certificate, unless deferral of payment has been approved by Council, of the Section 94 contributions set out in the “Notice of Payment – Developer Charges” schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, the Seawide Area 14 Stage 1B Planning Agreement and the Milland Area 14 Stage 1B Planning Agreement dated 14 September 2011 and in accordance with the provisions of the following plans:

- Hastings S94 Administration Building Contributions Plan
- Hastings Administration Levy Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached “Notice of Payment” is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current “Notice of Payment” form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (4) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000 the payment of a cash contribution, prior to the issue of a Subdivision Certificate, unless deferral of payment has been approved by Council, of the Section 64 contributions, as set out in the “Notice of Payment – Developer Charges” schedule attached to this consent is required. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (5) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (6) (E012) Dedication as public road to Council, the area required for road widening along the frontage of the development at no cost to Council. Details are to be incorporated in the plan of subdivision.

- (7) (E032) Provision within the titles to the land for those lots having frontage to Road 1 - Ocean Drive (Lots 3-9 & 65) & Road 2 - Ocean Drive (Lots 3-9 & 65) of a restrictive covenant denying vehicular access across their frontages. Evidence of registration of the restriction shall be submitted prior to occupation or the issue of the Subdivision Certificate.
- (8) (E033) All public roads are to be constructed in accordance with approved construction plans and Council's current AUSPEC Specifications and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- (9) (E034) Prior to occupation or the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (10) (E035) Prior to occupation or the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from the Roads and Traffic Authority (RTA) being the roads authority certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act have been satisfactorily completed. A copy of this is to be submitted to Council prior to the release of the engineering security bond.
- (11) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (12) (E049) Submission of a Compliance Certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (13) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010) prior to issue of the release of the security bond to guarantee completion of public works.
- (14) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Subdivision Certificate or an appropriate bond is in place.
- (16) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for

placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
 - Include instruction for completion of 'Lighting Requirements';
 - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
 - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles.
- (17) (E065) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (18) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (19) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the relevant service providers confirming that its requirements for the provision of services required by this consent or other approval have been satisfied.
- (20) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010).
- (21) (E075) Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road(s) shall be in accordance with Council's adopted policy.
- (22) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release, vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- a. Prohibiting direct vehicular access to and from Ocean Drive.
- Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (23) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all

services and domestic drainage lines are wholly contained within the respective lots and easements.

- (24) (E080) The applicant is required to make provision in the application for a Subdivision Certificate:
 - a. dedication as public road of the area required for road widening,
 - b. dedication as public road of a 3m splay corner.
- (25) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:

The surface levels of the allotments created and any other area filled or reshaped as part of the development.

- a. Compaction testing carried out to Level 1 of Appendix B AS 3798.
 - b. Standard penetration tests and calculated N values.
 - c. Bore logs
 - d. Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (26) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision Certificate. The copyright for all information supplied, shall be assigned to Council.
- (27) A restriction as to user under Section 88B of the Conveyancing Act, 1919 shall be placed on the titles of the proposed residential lots with a direct frontage to Ocean Drive. The restriction shall specify that prior to Council or the Principal Certifying Authority issuing a Construction Certificate or Complying Development Certificate a report shall be submitted to the Principal Certifying Authority certifying that the building design incorporates category 2 construction measures and will achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

F – OCCUPATION OF THE SITE

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