

AMENDED CONDITIONS

Date: 5 June 2014
Responsible Officer: Julie Garratley
Location: 85 Kanangra Dr, CRANGAN BAY NSW 2259
Lot 11 DP 1180296
UBD Reference:
Owner: Gwandalan Land Pty Ltd
Applicant: Monteath & Powys Pty Ltd
Date Of Application: 20 November 2013
Application No: DA/967/2013
Proposed Development: 405 Lot subdivision
Land Area: 622800.00
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Plan of Proposed Subdivision	1-6	6	19/11/13	Monteath & Powys
Indicative Staging Plan	1	1	15/11/13	Monteath & Powys

Staging

- 2 Approval is granted for eleven stages of subdivision release in the following manner:

- Stage 1 – 45 lots plus residue lots.
- Stage 2 – 38 lots plus residue lots
- Stage 3 – 50 lots plus residue lots
- Stage 4 – 27 lots plus residue lots
- Stage 5 – 40 lots plus residue lots
- Stage 6 - 43 lots plus residue lots
- Stage 7 – 55 lots plus residue lots
- Stage 8 – 32 lots plus residue lots
- Stage 9 – 39 lots plus residue lots
- Stage 10 – 30 lots plus residue lots
- Stage 11 – 6 lots

Works and contributions are to be finalised appropriate for each stage prior to the release of the Subdivision Certificate.

Voluntary Planning Agreement

- 3 The Voluntary Planning Agreement dated 12 March 2012 between the Minister for Planning and Infrastructure, the Minister administering the *National Parks and Wildlife Act 1974* and Gwandalan Land Pty Ltd is to be completed in accordance with the terms of that agreement.
- 4 The Voluntary Planning Agreement is to be registered in the relevant folios of the register for the land.

Certificates – Application and Approval

- 5 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 6 An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision and include documentary evidence of compliance with the Voluntary Planning Agreement relevant to each stage of the development..
- 7 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 8 new condition – A staging plan prepared in consultation with Council and to the satisfaction of the Director General is to be submitted prior to the issue of the first Subdivision Certificate that details the schedule for delivery (and dedication where relevant) of the following;
 - a) Provision of roads, stormwater and other service infrastructure
 - b) Items identified for Gwandalan in the \$5m allocated to the Coal and Allied Southern Estates;
 - c) Section 94 contributions
 - d) State infrastructure contributions; and
 - e) Location and management regime for open space.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Staging Strategy

- 9 A detailed “Staging Plan” shall be prepared in accordance with the final design of essential infrastructure works such as the road network, stormwater management facilities within the catchments areas and water & sewer services. The staging shall incorporate the planning of road infrastructure to ensure services for waste removal (garbage services), bus services and the future residents can safely and efficiently navigate the road network to Kanangra Drive. The “Staging Plan” shall be lodged to the Council for assessment and endorsement prior to the issue of the first Construction Certificate.

Roads & Traffic Strategy

- 10 A detailed “Traffic & Transport Management Plan” shall be prepared in accordance with the final design of the road network. The plan shall incorporate the following:
 - The road network shall incorporate a roundabout at the intersection of Road 18 & 19, establish the road hierarchy, introduce raised thresholds at intersections and reduce any potential traffic conflict areas throughout the subdivision during each stage.
 - The horizontal alignments of Roads 1 & 4 and the vertical alignment of Road 19 shall be reviewed to ensure adequate width for passing of service vehicles and the efficient navigation of the road network for the future residents having regard for road safety.

The “Traffic & Transport Management Plan” shall be lodged to the Council for assessment and endorsement prior to the issue of the first Construction Certificate.

Stormwater Management Strategy

- 11 A detailed “Stormwater Management Strategy” shall be prepared in accordance with the Council's Civil Works Design Guideline and current asset management practices. The plan shall incorporate the following:
 - The design of the stormwater strategy shall integrate various water quality facilities to achieve the stormwater quality (MUSIC- Councils preferred modelling software package) modelling pollution reduction targets as described in Volume 1 of Council's Civil Works Design Guideline.

- The water quality facilities utilised within the treatment train shall be designed in accordance with Council's Asset Management Systems (Operations & Maintenance).
- The treatment train can incorporate the use of devices such as bio-swales, rain gardens, tree pits, GPT's and Wet Retention Basins to ensure that there is no detrimental impact on water quality within Crangan Bay and Strangers Gully. Note: Due to Council's asset maintenance operations the use of grassed swales and bio-retention basins within the treatment train cannot be sufficiently maintained to ensure long term performance and are not supported by Council. The area of land required for the proposed Wet Retention Basin 7 will require enlargement to achieve the set pollution removal targets. The road and lot layout within Stages 9 & 10 will require re-designing, re-alignment and adjustment in accordance with the final Wet Retention Basin 7 footprint.

Acid Sulphate Soils – Investigation and Reporting Requirements

- 12 **Stages 1&5:** Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must to be provided for the approval of the Accredited Certifier.

Dust Control Requirements

- 13 **All stages:** Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

Ecology/Tree Requirements

- 14 **All stages:** Prior to release of any Construction Certificate, a suitably qualified and experienced Ecologist must prepare and submit to Council for approval a Wildlife Management Strategy (WMS). To show how mitigation against native animal welfare issues will be achieved. Works must be conducted in accordance with the approved WMS. The WMS is to include the following:
- Identification of fauna likely to occur on site and advise on management actions to minimise and mitigate any native animal welfare issues;
 - The engaged Ecologist is to clearly mark each potential habitat tree required to be removed;
 - Clearing of native vegetation or trees is to be carried out in accordance with the clearing protocol outlined in the Squirrel Glider Conservation Management Plan (Smith, 2002);

- The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. All clearing of habitat trees is to be done under the direct supervision of an Ecologist. When fauna are present, the animals are to be removed and relocated to the adjacent bushland/nest boxes prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals to the adjacent bushland/nest boxes;
- Clearing will commence with the most distant vegetation from secure habitat and progressively work toward the retained bushland in order to allow fauna to disperse;
- Potential habitat trees should be slowly lowered or sectionally dismantled using an excavator, crane or similar technique;
- Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist;
- Within 10 days following the completion of vegetation clearing for each stage of the development, the Ecologist is to provide a report to Council's Ecologist for review, certifying how the development met tree retention and protection requirements and protected animal welfare during clearing.
- Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (eg. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. The WMS shall specify the type and quantity of nest boxes required to compensate for the hollows that are proposed to be removed. All nest boxes are to be erected prior to any clearing occurring on the development site. The WMS must identify suitable locations to erect nest boxes that minimise the risk of vandalism and maximise the likelihood of occupation by native fauna; and
- Nest boxes are to be monitored by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.

Filling and Haulage Requirements

- 15 **All stages:** An agreement with Council as the Roads Authority for the methodology of determining the reduced pavement life of the approved haulage route attributable to the construction of the subdivision civil works. The agreement must be made prior to the issue of the Construction Certificate and shall include an agreed method of rectification at sole expense of the developer.

Landscaping Design Requirements

- 16 **All stages:** Prior to the issue of a Construction Certificate, landscape design drawings, prepared by an approved consultant, must be provided for the approval of the Accredited Certifier. Such landscape design plans must be prepared in accordance with Council's Landscape Policy L1 for a Category 3 development. The submitted plans must include:
- landscaping of the retention/detention basins within the drainage reserves.
 - landscaping of the open space reserves.

Retaining Walls – Structural Design Requirements

- 17 **All stages:** Prior to the issue of a Construction Certificate, a report prepared by a suitably qualified Registered Structural Engineer is to be provided for the approval of the Principal Certifying Authority

Roadworks - Design Requirements

- 18 **Stage 1:** The submission to Council of Civil Works design drawings and specifications detailing the re-design and construction of the existing Kanangra Drive/Summerland Road roundabout. The design shall incorporate the following:

- Construction of the fourth leg of the roundabout along the unformed crown road (Summerland Road extension), adjustment of the existing roundabout carriageway, islands, kerbs, traffic facilities, lighting, signage and pavement marking.
- The provision of pedestrian crossing points, bus shelters on both sides of Kanangra Drive and associated footpath works shall be undertaken to ensure suitable safe pedestrian crossing.
- The design shall include a comprehensive road signage and pavement marking drawing identifying all traffic management facilities for assessment and endorsement by the Local Traffic Committee prior to issue of the Construction Certificate.

Required design drawings are to be prepared in accordance with Council's Civil Works Design Guidelines and must be approved by Council as the Roads Authority prior to the issue of the Stage 1 works Construction Certificate.

- 19 **Stage 1:** Prior to issuing a construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) with the Roads and Maritime for all required works at the intersection of Kanangra Drive and the Pacific Highway.
- 20 **Stages 1-6:** The provision of concrete footpath 2.5 metres wide adjacent to Roads 18, 19 & 20 during stages 1-6. Note: Stages 3&4 shall provide connections to the foreshore shared path.

The concrete paving is to be 100mm thick with SL72 reinforcement and is to be constructed on 75mm compacted road base and on compacted sub grade, with the provision of a galvanized rectangular hollow section with a profile geometry of 0.15 x 0.075 x 0.004 metres, from the property boundary to the kerb. All other details are to be in accordance with Council's *Civil Works Design Guidelines*. The design drawings must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.

- 21 **Stage 3:** The submission to Council of Civil Works design drawings and specifications detailing the design and construction of the Kanangra Drive/ Road 19 intersection to a CHR design type in accordance with the Austroads 2010 "Guide to Road Design-Part 4A Unsignalised and Signalised Intersections". The design shall incorporate the following:
- The reconstruction of the existing Kanangra Drive carriageway, pavement widening, lighting, pavement marking and signage.
 - The design shall include a comprehensive road signage and pavement marking engineering drawing identifying all traffic management facilities for assessment and endorsement by the Local Traffic Committee prior to issue of the Construction Certificate.

Required design drawings are to be prepared in accordance with Council's Civil Works Design Guidelines and must be approved by Council as the Roads Authority prior to the issue of the Stage 3 works Construction Certificate.

- 22 **All stages:** The submission to the Council as the Roads Authority of a design Road Safety Audit for each stage prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 23 **All stages:** The provision of a concrete footpath 1.5 metres wide for the full street frontage(s) of the development during Stages 1-11. Design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.
- 24 **All stages:** The submission to Council of Civil Works design drawings and specifications for Stages 1-11 detailing the following design requirements:
- Full width road construction including kerb and gutter, dish gutter and edge strips designed for the appropriate road sections throughout the subdivision in consultation with Council.
 - Street stormwater drainage systems.
 - Street lighting in accordance with AS/NZS 1158. Note: Category P4 with a minimum 20 year design life shall be provided.
 - Pavement marking & signage.
 - Street trees at a maximum of 15.0 metre spacing.

- Pavement Design Report prepared by a Geotechnical Engineer in accordance with Council's *Civil Works Design Guidelines*.
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- Vehicular access to all GPTs and Stormwater Management Facilities (Wet Retention Basins).
- The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
- The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to the issue of the Construction Certificate.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 25 A detailed "Stormwater Management Plan" shall be prepared in accordance with the Council's Civil Works Design Guideline and current asset management practices. The plan shall incorporate the following:

Stage 1:

- Construction of the Wet Retention Basin No.1 to service Stage 1 of the subdivision within the north eastern Drainage Reserve. Note: The basin works shall include the provision of a lined spillway, rock protected outlet, sacrificial zone, level spreader and the construction of a concrete access road for maintenance purposes

Stage 2:

- Construction of the Wet Retention Basin No.4 to service Stage 2 of the subdivision within the eastern Drainage Reserve. Note: The basin works shall include the provision of a lined spillway, rock protected outlet, sacrificial zone, level spreader and the construction of a concrete access road for maintenance purposes.

Stage 3-7:

- Construction of the Wet Retention Basin No.3 & 5 to service Stages 3 -7 of the subdivision within the south eastern Drainage Reserve. Note: The basin works shall include the provision of a lined spillway, rock protected outlet, sacrificial zone, level spreader and the construction of a concrete access road for maintenance purposes.

Stage 9-10:

- Construction of the Wet Retention Basin No.7 to service Stages 9 & 10 of the subdivision within the southern Drainage Reserve. Note: The basin works shall include the provision of a lined spillway, rock protected outlet, sacrificial zone, level spreader and the construction of a concrete access road for maintenance purposes.

All Stages:

- The construction of the interallotment stormwater drainage systems to service the lots within Stages 1 -11. The design shall be undertaken in accordance with Councils Civil Works Design Guidelines.
- The construction of a longitudinal stormwater drainage pipelines connecting to the Wet Retention Basins within the “Drainage Reserve” in accordance Council's *Civil Works Design Guidelines* for Stages 1-11.

General Design:

- The provision of a level spreader and subsurface drainage system at the outlets of Wet Retention Basin 5&7 to ensure that stormwater flows are not concentrated but evenly dissipated into the downstream groundwater dependent ecosystem area of Stangers Gully.
- Modelling of the retention basin's predicted pollutant removal performance shall be undertaken in accordance with Councils Civil Works Design Guidelines and submitted to Council supporting the engineering plans and specifications.
- Gross Pollutant Traps shall be designed to ensure all outlets are not submerged to facilitate efficient long term maintenance.
- The sacrificial zones within the Sediment Basins shall be suitably concrete lined to enable efficient long term maintenance.
- Stormwater calculations (hydrological and hydraulic) and the final results and recommendations generated by the MUSIC/DRAINS modelling (Councils preferred software packages) supporting the final engineering details and plans for the Retention systems shall be resubmitted to Council for approval.

- The Retention Basins shall be designed to be structurally sufficient to accommodate the loadings generated during all storm events up to and including the 100 year ARI storm event. Certification from a practising Structural Engineer shall be submitted supporting the design and on-going construction of the basins.

The Stormwater Management Plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's Civil Works Design Guidelines, and approved by the Council prior to issue of the relative stage Construction Certificate.

Structural Design Requirements

- 26 **All stages:** Prior to the issue of a Construction Certificate, a report prepared by a suitably qualified Registered Structural Engineer is to be provided for the approval of the Accredited Certifier providing certification that the existing structure is capable of accepting all anticipated live and dead loads imposed by the proposed addition. Such report is to include any recommendations on the structural upgrade of the existing structure.
- 27 **All stages:** Prior to the issue of a Construction Certificate, suitable detailed design drawings for all mass and or canti-levered retaining wall structures on the site are to be provided for the approval of the Council. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or any future building construction within the adjoining property.
- 28 **All stages:** Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Ecology/Trees Requirements

- 29 **All stages:** Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation that are noted for retention including the Angophora Inopina Reserves are to be protected by the erection of 1.8 metre-high

chain wire interlocking fencing which incorporates a sediment control component in accordance AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.

- Tree removal shall be confined to respective stages of the subdivision, road and service corridors and asset protection zones.
- Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
- All fenced tree protection areas and are to be clearly marked as "Tree Protection Zone"(in accordance with AS4970-2009 appendix C, fig C1) on the fencing itself..
- No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
- The Arborist and/or Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the Arborist and/or Ecologist), prior to works being carried out around that particular habitat or tree.
- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
- Each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.

Erosion and Sediment Control Requirements

- 30 **All stages:** Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "*The Blue Book*" or trained in the use of "*The Blue Book*" for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be provided on site prior to commencement of construction activities in accordance with Council's Policy E1 – Erosion and Sediment Control for Building Sites.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*.

Filling and Haulage Requirements

- 31 **All stages:** Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.
- 32 **All stages:** Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

Roads - Preconstruction Requirements

- 33 **All stages:** Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 34 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 35 **All stages:** Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Construction Management

- 36 **All stages:** Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.
- 37 **All stages:** Prior to works associated with the development commencing, the following management plans are to be submitted and approved by the Principal Certifying Authority:
- Vegetation Management Plan,
 - Tree Management Plan,
 - Weed Management Plan,
 - *Angophora inopina* Management Plan, and
 - *Tetratheca juncea* Management Plan.

The various plans are required to address the recommendations of the Ecological Assessment (RPS 2010) and the Additional Ecological Information (RPS 2013). The Weed Management Plan should include “any topsoil which is removed from the vicinity of any Bitou plants must not be used for any of the landscaping areas and must be disposed of appropriately”.

During Construction Works:

The following conditions must be satisfied during construction works.

Dust Control Requirements

- 37 **All stages:** Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 38 **All stages:** During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 39 **All stages:** All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.

- 40 **All stages:** All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Services/Utility Requirements

- 41 **All stages:** The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 42 **All stages:** Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Construction Management

- 43 **All stages:** Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 44 **All stages:** During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 45 **All stages:** If Aboriginal engravings or relics are unearthed during construction, all work is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the National Parks and Wildlife Service.

Prior to Release of Subdivision Certificate:

The following conditions must be satisfied prior to the release of a Subdivision Certificate.

Contaminated Land Requirements

- 46 **All stages:** Prior to the issue of a Subdivision Certificate, all recommended remedial actions specified in the "Remedial Action Plan – Proposed Residential Subdivision Lot 11 DP 1180296 off Kanangra Drive Gwandalan – prepared for Coal and Allied by Douglas Partners, dated July 2013 "are to be implemented.

Contribution Payment Requirements

- 47 **All stages:** Prior to the issue of a Subdivision Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 and Section 94A of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment. Contributions will be calculated for each stage at the issue of the subdivision certificate for each respective stage.

Dilapidation Rectification Requirements

- 48 **All stages:** Prior to the issue of a Subdivision Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Ecology/Tree Requirements

- 49 Prior to the issue of a Subdivision Certificate, a final certification report detailing the level of compliance for each stage of the development with all conditions relating to ecology/trees must be prepared by the engaged Ecologist and Arborist and forwarded to Council for review.

Fencing

- 50 **All stages:** Prior to the issue of any Subdivision Certificate, suitable perimeter fencing to the satisfaction of the National Parks & Wildlife Services is to be erected at the conservation lands interface.

Filling and Haulage- Completion Requirements

- 51 **All stages:** All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.

- 52 **All stages:** Prior to the issue of a Subdivision Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

Landscaping Requirements

- 53 **All stages:** Prior to the issue of any Subdivision Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 54 **All stages:** Prior to the issue of any Subdivision Certificate, all areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.

Lighting Spill Requirements

- 55 **All stages:** All external lighting is to be of a type that minimises overspill into retained vegetated areas.

Other Authorities – Compliance Requirements

- 56 **All stages:** Prior to the issue of any Subdivision Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Roads – Compliance Requirements

- 57 **Stage 1:** Prior to the issue of a Subdivision Certificate for Stage 1, the Pacific Highway / Kanangra Drive signalised intersection shall be upgraded in accordance with the Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and to Roads and Maritime / Council requirements. The following requirements will apply to the intersection:
- A 50 metre left turn high angle slip lane (exclusive of taper) shall be provided on Kanangra Drive for northbound traffic turning left onto the Pacific Highway (travelling north).
 - An additional 100 metre dedicated right turn lane (exclusive of taper) shall be provided on Kanangra Drive for southbound traffic turning right onto the Pacific Highway.
 - Installation of a raised central median and island on the northern side at the western leg of the intersection (Kanangra Drive), or as determined by Roads and Maritime.

- The intersection shall be designed to accommodate the turning path of the largest design vehicle.
 - Provision for on-road cyclists shall be made at the intersection and along the full length of the works.
 - All lanes shall be a minimum 3.5 metres in width, or as determined by the Roads and Maritime.
 - Street lighting shall be provided in accordance with Australian Standard AS1158, or as determined by the Roads and Maritime.
 - Kerb and gutter shall be provided at the intersection and along the length of the works, or as determined by the Roads and Maritime.
 - Relocation of the existing bus bay and reinstatement of the bus bay shelter, seating and footpaths. The footpath is to be extended and connected to the signalised pedestrian crossing, or as determined by Roads and Maritime.
- 58 **Stage 1:** As works are required at the intersection of Kanangra Road and the Pacific Highway, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime will exercise its powers under Section 87 of the *Roads Act 1993* (the Act) and the functions of the roads authority, to undertake traffic signal works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD.
- 59 **Stage 1:** Prior to issuing the subdivision certificate for Stage 1 in the proposed subdivision the developer shall complete intersection upgrade and traffic control signals works under the WAD to practical completion, as determined by Roads and Maritime.
- All works shall be undertaken at full cost to the developer to the satisfaction of Roads and Maritime.
- 60 **All stages:** All works within the public road must be completed in accordance with the approved Civil Works design drawings and in accordance with Council's *Civil Works Design Guidelines* and be approved by Council as the Roads Authority prior to the issue of any Subdivision Certificate.
- 61 **All stages:** The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for the road network within each stage prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of the works.

- 62 **All stages:** The submission to Council of the proposed road names. The road names must be approved by Council as the Roads Authority prior to the issue of a Subdivision Certificate.

Stormwater – Compliance Requirements

- 63 **All stages:** The completion of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500 as amended. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of a Subdivision Certificate.
- 64 **All stages:** Drainage Reserves and open space shall be dedicated, where required and at no cost to Council, up to the boundaries of all adjoining properties prior to the issue of a Subdivision Certificate. Details are to be incorporated in the plan of subdivision.

Subdivision– Compliance Requirements

- 65 **All stages:** The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been affected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 66 **All stages:** The provision of a report to Council by a Geotechnical Engineer classifying each lot being created in accordance with AS 2870-2011 - *Residential Slabs and Footings*, prior to issue of a Subdivision Certificate.
- 67 **All stages:** The preparation of “Water Quality & Hydrologic Monitoring and Maintenance Program” to achieve the following key objectives:
- a. Outline the water quality and hydrologic monitoring strategy including sampling locations, frequency and durations.
 - b. Establishment of method of the identification of negative impacts and under performance.
 - c. Establishment of rectification and improvement works procedures and mitigation strategy.
 - d. Establishment of reporting requirements.
- 68 **All stages:** The creation of a legal agreement over the constructed Gross Pollutant Traps and Retention basins between the applicant and Council agreeing to a monitoring and maintenance period which extends from the issue of the Subdivision Certificate for a five (5) year period for monitoring and five (5) years for maintenance.

Upon completion of the monitoring/maintenance period the applicant shall ensure that the GPTs and basins are completely operational in accordance with Councils Asset Management requirements before Council will accept responsibility of the continued operation.

69 **All stages:** Prior to issue of a Subdivision Certificate the provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:

- telecommunications
- electricity supply
- gas supply
- national broadband network
- water supply
- sewerage

The location of services must be shown on a copy of the final subdivision plan, with the distances from the boundaries to each service endorsed in red thereon.

70 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:

Stage 1:

- The creation of a “Positive Covenant” over the Lots 41-46, 60&61 within Stages 1 & 2 for the future provision of a small bio-retention system (rain garden) within the frontage of each site. The bio-retention system (rain garden) is to be sized in accordance with the net area within each lot at the future dwelling design phase. The provision of this system will ensure the treatment of generated stormwater run-off leaving the site reducing annual loads of sediments, phosphorus and nitrogen before entering the receiving waters of Crangan Bay Lake Macquarie. Note: The creation of this covenant will not be required if the constructed road carriageway and drainage pipeline system within Roads 1 & 17 are re-designed to ensure generated run-off is discharged into Wet Retention Basin1 or an alternative WSUD device is provided to Councils Asset Management requirements

All stages:

- The creation of necessary ‘Easement for Support’ over the constructed retaining structures within the burdened lots to benefit the appropriate adjoining lots.
- The creation of necessary “Easement to Drain Water’ over the constructed interallotment stormwater drainage pipelines within the burdened lots to benefit the appropriate upstream lots.

- 'Restriction on the Use of Land' prohibiting the construction of any structures within the Asset Protection Zones (APZ) of lots 42, 43, 44, 45, 60, 61, 62, 124, 125, 126, 127, 128, 312, 313, 314, 315, 333, 334, 335, 336, 337, 297, 298, 299, 283, 359, 360, 361, 362, 363, 364, 389, 390, 391, 392, 393, 394, 395, 396, 380, 381. Accurate dimensions to be shown on the plan of subdivision.
- Where necessary temporary asset protection zones are to be imposed on residue stages to support each stage of release.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

- 71 **All stages:** All roads are to be constructed and dedicated up to the boundaries of all adjoining properties prior to the issue of a Subdivision Certificate. Details are to be incorporated in the plan of subdivision.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 72 **All stages:** The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 73 **All stages:** Prior to the issue of a Subdivision Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

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

No conditions.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Cycleway Network	\$144,292.23
Shire Wide Performing Arts Centre & Public Art	\$162,807.33
Shire Wide Administration	\$31,251.66
Northern Districts Roads D	\$1,741,763.74
Northern Districts Open Space Works	\$1,835,241.91
Shire Wide Regional Open Space	\$70,336.33
Northern Districts Community Facilities Works	\$1,552,387.65
Northern Districts Administration	\$216,225.69

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

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Reporting Officer

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Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

..... Date ____/____/____