

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2013/148

DATE: 12/07/2013

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
Statement of Environmental Effects and Appendices A-T	12815	JBA Urban Planning Consultants Pty Ltd	March 2013
Plans	Project No 789 Drawing No DA01-09	Budden Nangle Michael & Hudson Architects	26/3/2013
Landscape Plan	Drawing L01-02 Issue D	Umbaco Landscape Architects Pty Ltd	March 2013

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) (A006) 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 prior to construction.
- (3) (A008) 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.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;

4. Building waste is to be managed via an appropriate receptacle;
5. 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.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (9) (A029) The provision, at no cost to Council, of a 1.2m wide concrete footpath for the full street frontage of the development. For Highfields Circuit a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing from the proposed development to the Rural Clinical School adjacent to Wrights Road intersection. The design plans must be submitted to Council in accordance with Section 138 of the Roads Act.
- (10) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (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
- (12) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (13) (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 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.

- (14) (A042) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
 - a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
- (15) (A055) Existing water services no longer required are to be disconnected at the main and a request for this service is to accompany the application for water meter hire.
- (16) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (17) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (18) (A195) The food/coffee shop is only to operate during normal university hours being 8am to 8pm weekdays or when special after hour events associated with the university are held.
- (19) (A196) The recommendations of the Ecological Impact Assessment by Darkheart Eco Consultancy dated January 2013 are to be incorporated into the development. Details of compliance with the recommendations will need to be provided to the certifying authority prior to occupation.
- (20) (A197) The recommendations of the Access Review by Morris Goding Accessibility Consulting dated 5 march 2013 are to be incorporated into the

development. Details of compliance with the recommendations will need to be provided to the certifying authority prior to occupation.

- (21) (A198) The eastern bushland corridor is to be replanted in accordance with the Landscape Plans prepared by Umbaco Landscape Architects Pty Ltd, dated March 2013 and recommendations of the Ecological Impact Assessment by Darkheart Eco Consultancy dated January 2013 and then maintained in perpetuity.
- (22) (A199) External lighting must not spill or be directed onto adjoining residential receivers, the eastern bushland corridor or the nest boxes.
- (23) (A200) No native vegetation is to be removed in the eastern bushland offset corridor.
- (24) (A201) Golden Cane Palm and Gynea Lilly to be excluded from the common areas plantings.

B – PRIOR TO CONSTRUCTION COMMENCING

- (1) (B003) Prior to the construction of public infrastructure works the submission to Council of detailed design plans for the following works associated with the developments is required. 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. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
2. Sewerage reticulation.
3. Water supply reticulation.
4. Stormwater systems.
5. Erosion & Sedimentation controls.
6. Detailed driveway profile in accordance with Australian Standard Drawings ASD 202, 208 and AS 2890, Port Macquarie-Hastings Council current version.

- (2) (B010) Payment to Council, prior to construction commencing of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

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

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

- (3) (B011) 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 construction commencing, 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
- (4) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the commencement of the fitout of the café.
- (5) (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 prior to construction commencing.
- (6) (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 construction commencing. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Certifying Authority prior to construction commencing.
- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Certifying Authority prior to construction commencing.
- (9) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to Port Macquarie-Hastings Council prior to construction commencing demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (10) (B061) A construction waste management plan is to be provided to the Principal Certifying Authority in accordance with Council's requirements, prior to commencement of construction activities.
- (11) (B195) Prior to construction commencing, the applicant is to submit to Council an AutoCAD 2000 file of the approved offset bushland area.
- (12) (B196) Final water service sizing is to be determined by a hydraulic consultant to suit the requirements of the development, fire services generally and to AS2419 as well as backflow protection. With laboratory areas indicated in the proposed development, the minimum containment backflow protection is an RPZD at the property boundary. Individual and zone backflow protection device requirements are to be assessed by the hydraulic consultant.

- (13) (B197) The engineering plans for the pathway and turning bays at the intersection of Highfields Circuit and Wrights Road are to be referred to Water and Sewer Section for approval with regard to the effect on water mains. The water main plan for Highfields Circuit is not acceptable in its present form.
- (14) (B198) Prior to the construction commencing, the details of the following building elements shall be certified by a suitably qualified and practising acoustic consultant to ensure the required internal noise level required by the NSW Industrial Noise Policy and/or relevant Australian Standard for a classroom and/or lecture theatre can be achieved and is to include but not be limited to:
- Acoustic rated windows;
 - Acoustic rated facades, in particular internal lining plasterboard;
 - Acoustic rated ceiling to the upper levels; and
 - Acoustical treatment of outside air vents/openings and the like.
- (15) (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.
- (16) (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.
- (17) (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 shall be erected or located so as to prevent access to the manhole.
- (18) (C014) Prior to the commencement of work, the location and depth of any water mains on the development site and adjacent land affected by the development is to be established. The water mains are to be clearly marked and protected with safety fencing.
- (19) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (20) Prior to any work commencing 10 nest boxes made from ACQ timber are to be erected in the eastern bushland corridor at a high no less than 4m. Box type are as follows, 5 for squirrel glider boxes, 2 possum boxes, 1 microbat box and 1 small bird box.

C – 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. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;

- c. prior to the pouring of concrete for sewerage works and/or works on public property;
- d. during construction of water infrastructure;

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) (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.
- (3) (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.
- (4) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
 - a. notify Council immediately when the breakage occurs, and
 - b. repair the damage at no cost to Council
- (5) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (6) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans, the recommendations of the Arborist Report by JKL Consultants dated February 2013 and conditions of this consent.
- (7) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.
- (8) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

D – PRIOR TO OCCUPATION

- (1) (E004) Consolidation of the allotments comprising the site of the proposed development prior to occupation.
- (2) (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.

- (3) (E010) Driveways shall be constructed in concrete and maintained in accordance with Council's Development Design and Construction Manuals (as amended). The car parking area shall be constructed in asphalt.
- (4) (E013) Restrictions and/or positive covenant must be provided over the overland flow path for on site detention storage areas with appropriate public awareness signage.
- (5) (E024) Commencement of café operation shall not occur until:
A registration application has been submitted to Council's Environmental Health Unit for the Food Premises, and notification of the food premises to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website www.foodnotify.nsw.gov.au
Evidence of compliance of the above shall be submitted to Council prior to commencement of the café business.
- (6) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation.
- (7) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation, indicating that visitor/customer parking is available on-site.
- (8) (E034) Prior to occupation, 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.
- (9) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2011 and Australian Standard 2890.1 prior to occupation.
- (10) (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. all stormwater has been directed to a Council approved drainage system
 - c. all relevant conditions of consent have been complied with
 - d. Any on site detention system (if applicable) will function hydraulically in accordance with the approval.
- (11) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
This plate is to be fixed into position prior to occupation.
- (12) (E041) At the completion of works on private property certification is to be provided to Port Macquarie-Hastings Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.
- (13) (E051) Prior to occupation, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (14) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to occupation or release of the security bond, whichever is to occur first.
- (15) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior occupation.
- (16) (E061) Landscaped areas being completed in accordance with the approved landscape plan prior to occupation.
- (17) (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
- (18) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (19) (E195) Prior to occupation, establishment works as detailed in the approved bushland regeneration plan are to be completed.
- (20) (E196) Prior to occupation, an 88B covenant in favour of council, be created over the eastern bushland corridor, requiring the landholder to maintain the bushland area in accordance with the regeneration plan in perpetuity.
- (21) (E197) Prior to occupation, certification from a suitably qualified and practising acoustic consultant shall be provided to certify that the required acoustic building elements have been properly installed in the building so that the required internal noise levels for a classroom and/or lecture theatre can be achieved.
- (22) (E198) Prior to occupation, written confirmation shall be provided to Council confirming that the recommendations outlined in the "Recommended Parking Reductions Initiatives" provided by UNSW 1st July, 2013, have been implemented.

E – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 85 spaces are to be provided onsite.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (F016) Offensive odours shall not be generated by the development.
- (5) (F019) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (6) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.

- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F025) Hours of operation of the development are restricted to the following hours:
 - 8 am to 8 pm – Mondays to Fridays.
 - Special one off type events will be permitted outside the above times, but no later than 10pm
 - Staff will have 24 hour access.
- (9) (F026) The outdoor courtyard area and immediate surrounds are to be maintained free of litter at all times (such as food, serviettes, sugar wrappers, cigarette butts etc).
- (10) (F195) Any illumination of signs, the building or surrounding areas should not be directed to existing residential receivers.
- (11) (F196) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (12) (F197) Student numbers onsite at any one time should not exceed 175 students, without the owner committing to undertake a further review of onsite parking requirements.

The results of the review and any recommendations shall be submitted and agreed to between the Council and the owner. Agreed recommendations shall be the subject of a s96 application by the owner.

Section 94A contributions may also apply to any student increase and a quote shall be obtained from Council's Contribution Section. Any contributions shall be levied pursuant to the Environmental Planning and Assessment Act 1979 (as amended) and in accordance with the Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007.

Any such contributions shall be paid within three (3) months of Council's approval of the s96 application.