

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

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2013/491**

**DATE: 8/1/2013**

## **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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects Amendment Report	DC 13203	NSW Public Works	November 2013
Overall Site Plan / Sewer Infrastructure Site Plan	LC_ARC_AD_00_001 Revision A	Public Works - Government Architects Office	29 November 2013
Overall Ground Floor Plan	LC_ARC_AD_00_002 Revision A	Public Works - Government Architects Office	29 November 2013
Elevations & Sections	DA-04 Revision 2	Public Works - Government Architects Office	12 November 2013
Landscape Plan	DA-L01 Revision 2	Public Works - Government Architects Office	12 November 2013
Bushfire Protection Assessment	B132016 - 3 Final	Australian Bushfire Protection Planners Pty Ltd	22 November 2013
Ecological Assessment	Seven Part Test	Dark Heart Eco-Consultancy	22 November 2013
Arboriculture Impact Assessment	Amendment A	Landscape Urban Environment Design	November 2013
Traffic & Parking	Final Issue D	McLaren Traffic	28 November

Assessment	2013/037	Engineering	2013
Letter from McLaren Traffic Engineering	2013/037.F01.CM/hc	McLaren Traffic Engineering	2 December 2013
Stormwater Management Concept Plan	DC13105 Addendum 1	NSW Public Works	13 November 2013
Road Traffic Noise Intrusion Report & Environmental Noise Impact Assessment	5136-1-1R 5136-1-2R	Day Design Pty Ltd	21 August 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) (A004) An application shall be submitted to and approved by Council for public infrastructure works (including water main and sewer rising main works) prior to commencement of onsite construction works.
- (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.
  6. Building work 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.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
  - **NSW Rural Fire Service** - The General Terms of Approval, Reference D13/2040 and dated 24 December 2013, are attached and form part of this consent.

(7) (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.

(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
- Other Site filling and temporary access

(9) (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.

(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 Section 138 approval under 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) (A195) Landscaping works to be in accordance with Councils indigenous street tree planting list.

- (12) (A196) Reclaimed water is to be used for toilet flushing, irrigation and any other Health Department approved use. If it is not available at time the school is commissioned then potable water will be provided to the reclaimed water mains in the area and thus to the school's reclaimed water meter, so for practical purpose, reclaimed water will be available.
- (13) (A197) Current modelling indicates that a 300mm potable water main and a 200mm reclaimed water main will be required across Ocean Drive and eventually align with the proposed new collector road. Final location of the Ocean Drive road crossings will be dependent on the intersection design at Houston Mitchell Drive. These water mains will be located on the north eastern side of the intersection. Direct private water service connection to the development site across Ocean Drive will not be permitted. Construction of the required water mains and services for the development will allow for the provision of domestic, reclaim and fire service metering in the vicinity of the north western corner of the site. The cost of the mains and services are to be paid by the developer, but there will be a cost reduction in regard to actual water main sizing required by the development.
- (14) (A198) The applicant is to establish and maintain the koala offset area in accordance with an approved Vegetation Management Plan in perpetuity, or for 20 years if Council agrees to the area being dedicated as public reserve.
- (15) (A199) Upon dedication of the proposed collector Road #1, application shall be made under Section 138 of the Roads Act to alter access arrangements for the site from Ocean Drive to the collector Road #1. Details shall address:
- a) Access to the development to be constructed and connected to the proposed roundabout at the southeast corner of the property.
  - b) A sealed bus lay-by facility for pick-up and drop-off of school students shall be constructed on the development land adjacent to the future collector Road #1, including works to tie-in to public road and continuation of the 2.5m wide public shared cycleway.
  - c) Extinguishment of all legal rights of access provided directly to Ocean Drive benefitting and/or encumbering the site, upon alternative legal access being provided.
  - d) Removal and restoration of the temporary access road to Ocean Drive, including but not limited to road works, landscaping, and replanting with koala browse tree species (at 10m centres), to the satisfaction of Council's Director of Infrastructure.
- All items are to be constructed at no cost to Council within 12 months of Roads Act approval being granted.
- (16) (A200) In providing consistency with the provisions of the Rainbow Beach Central Corridor Planning Agreement between Port Macquarie Hastings Council and St Vincent's Foundation Pty Limited (clause 15 and Schedule 2, Figure 3) the proposed temporary access road shall incorporate a legal right of public access to the area of land adjoining the site to the south for purposes of providing access to the planned district sporting field. The right of way is to be in place prior to occupation of the school.
- Plans detailing the proposed temporary access road, servicing the school and adjacent sporting fields, are to be submitted and approved as part of the Roads Act application (Section 138) and prior to commencement of construction.
- (17) (A201) Amended plans for the construction of parking facilities are to be submitted to Council prior to commencement of construction. Details on the

plans are to address the following issues in consultation with Council's development engineer:

- a) Relocation of the service vehicle pad and access to the staff car park, to the western end of the staff car park, to allow traffic to queue without potentially affecting operation of the future public roundabout at the south eastern entrance to the school.
  - b) Location of the proposed gas tank enclosure and sewer pump station with regard to required dedication of splay corners at the future public roundabout to the southeast.
- (18) (A202) Prior to commencement of construction of the following intersections, dedication of land at no cost to Council necessary for road widening and splay corners as public road adjacent to:
- a) The future roundabout at Ocean Drive and Houston Mitchell Drive in accordance with Council's construction plans, and
  - b) The future roundabout on proposed collector Road #1 at the southeast corner of the development site.
- (19) (A204) The fill levels for all areas of the site shall be equal to or higher than those nominated in the approved plan for development consent DA 2013/0358. Details shall be illustrated on any construction plans.

#### **B – PRIOR TO WORKS COMMENCING**

- (1) (B001) Prior to works commencing, 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 works commencing or issuing of any approval required under the Roads Act, 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. Earthworks, including filling of the land for flood protection.
  3. Public parking areas including;
    - a. Driveways and access aisles;
    - b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with .
  4. Sewerage reticulation.
  5. Water supply reticulation.
  6. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.

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. Traffic management control plan.
  11. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines.
  12. Detailed intersection layout at the junction of temporary access road onto Ocean Drive in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.
- (3) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for.
- (4) (B028) The water meters are to be located so that they are accessible from the road frontage for reading.
- (5) (B031) The application for the Roads Act (s138) approval is to be accompanied by an execution of a Works Authorisation Deed (WAD) with The Roads and Maritime Services (RMS), or evidence of agreement from the RMS that no WAD is required.
- (6) (B034) Prior to commencement of construction works Council shall approve details for the disposal of any spoil gained from the site. Submission of details to Council for the disposal of any spoil gained from the site should include, but not be 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.
- (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.
- (8) (B050) A report outlining the validation of all soil excavations (resulting from the removal of contaminated soils) and fill materials, carried out in accordance with the Environmental Protection Authority "Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites, November 1997", shall be

submitted to and approved by Port Macquarie-Hastings Council prior to works commencing.

- (9) (B053) The design of the car park and accesses is to be in accordance with Australian Standard 2890. Certification of the design by a suitably qualified consultant is to be provided to Council prior to commencement of construction.
- (10) (B195) Prior to works commencing, a Vegetation Management Plan (VMP) be approved to Council's satisfaction. VMP is to detail the full forest replanting of the 2.3ha koala offset requirement as per required under the provisions of the Area 14 Koala Plan of Management. Any lesser area would need to be supported by an amendment to the Area 14 KPOM.
- (11) (B196) The location of any fire hydrant booster for the property must be adjacent to the vehicle entrance to the property. It is noted that the proposed vehicle entry is now to be temporarily located near the south western corner of the site and ultimately at the south eastern corner of the site.
- (12) (B198) Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations. It is essential that the proponent's hydraulic consultant discuss the water supply requirements of the site with Council's Water Supply Development Engineer.
- (13) (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.
- (14) (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.
- (15) (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.
- (16) (C195) Prior to works commencing ten (10) nest boxes constructed of ACQ treated pine to be installed by a qualified ecologist. Nest box type to include four (4) microbats, four (4) small bird, two (2) glider and one (1) possum box.
- (17) (C196) Prior to any works commencing (including vegetation removal) the establishment works as defined in the approved Vegetation Management Plan are to have commenced to the satisfaction of Council's Natural Resource Officer.
- (18) (C197) Prior to any works commencing the applicant is to demonstrate that the 2.3 hectare Koala offset area has been secured to Council's satisfaction in the Area 14 Koala Plan of Management area. Any lesser area would need to be supported by an amendment to the Area 14 KPOM.

#### **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 Development Application number and property description to ensure your inspection is confirmed:

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

All works at each hold point 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) (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 and conditions of this consent.
- (4) (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.
- (5) (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.
- (6) (D195) Vegetation clearing works to be suspended under the direction of an ecologist if a Koala is present within 25 metres of the works. Clearing works can recommence once the Koala has moved outside of a 25m buffer on its own volition.



- (7) (D196) Removal of hollow bearing trees to be in accordance with the protocol detailed in section 7.3 of the Ecological Assessment prepared by Darkheart Eco-Consultancy dated 22 November 2013.

## **E – PRIOR TO OCCUPATION**

- (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) (E010) Driveways, access aisles and parking areas shall be provided with a bitumen, asphalt and/or concrete sealed 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).
- (3) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or commencement of the approved land use.
- (4) (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.
- (5) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Council approved plans.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent / Council approved plans have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the Council approved plans.
- (6) (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.
- (7) (E053) All public infrastructure works carried out by private contractors external to the site shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to release of the security bond.
- (8) (E055) No building is to be connected to Council's future water main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the landscape works. Water meters will not be connected until the mains are accepted.
- (9) (E064) Prior to occupation, provision of street lighting to all new roads including the temporary access road as applicable 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.

- (10) (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
- (11) (E068) Prior to occupation written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (12) (E072) Lodgement of a security deposit with Council upon practical completion of the infrastructure to be dedicated to Council.
- (13) (E077) Unless DA 2013/0358 is formally surrendered, all works required as part of this development shall be consistent with the requirements of DA 2013/0358.
- (14) (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. The copyright for all information supplied, shall be assigned to Council.
- (15) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior occupation. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor (this WAX may be part of the Roads etc. WAX)

#### **F – OCCUPATION OF THE SITE**

nil

#### **G – NAME OF APPROVING BODY, EG NSW RURAL FIRE**

The General Terms of Approval, Reference D13/2040 and dated 24 December 2013, are attached and form part of this consent.