

# HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 31 March 2016 and 2 May 2016

Panel Members: Garry Fielding (chair), Jason Perica, Bob McCotter, Alan Tickle and Paul Hogan

Apologies: None - Declarations of Interest: None

## Determination and Statement of Reasons

**2014HCC017 Greater Taree City Council DA 439/2014/DA [at Forest Lane and Sheaffe Avenue, Old Bar] as described in Schedule 1.**

**Date of determination:** 2 May 2016

### **Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

### **Panel consideration:**

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

### **Reasons for the panel decision:**

1. The site is suitable for the proposed development
2. With the conditions of consent imposed, as amended by the panel, the proposed development will not have a significant adverse social, environmental or economic impact
3. The proposed development is not contrary to the public interest and will increase housing supply in the area

**Conditions:** The development application was approved subject to the conditions forwarded by Council with the March 2016 Supplementary Council Assessment Report, as amended by the panel during the electronic determination meeting. These conditions are attached as Schedule 2.

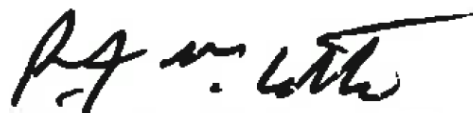
### **Panel members:**



**Garry Fielding (chair)**



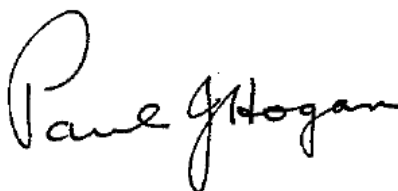
**Jason Perica**



**Bob McCotter**



**Alan Tickle**



**Paul Hogan**

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## SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014HCC017 Greater Taree City Council 439/2014/DA
2	<b>Proposed development:</b> Integrated Development (Staged) Stage 1 – Concept Approval Subdivision - 522 Lots Stage 2 Subdivision of Lot 591 DP 1180317 - 62 Lots
3	<b>Street address:</b> Forest Lane, Sheaffe Avenue – Old Bar Lot 14 DP 733054, Lots 117, 217, 218 & 219 DP 753149, Lots 591 & 592 DP 1180317, Lot 2 DP 1022067, Lot B DP 377867
4	<b>Applicant:</b> Lidbury Summers & Whiteman <b>Owners:</b> A A & A M Taylor & Rawson Communities Pty Ltd, G V Love, M W Goodear, R M Sainisch-Plimer, Archer properties No 3 Pty Ltd, R J & J M & P Trad, A A & A M Taylor, Jarberg Pty Ltd, P M Stone
5	<b>Type of Regional development:</b> Coastal Subdivision  Development within the coastal zone for the purposes of the subdivision of land into more than 100 Lots and is not in the metropolitan coastal zone.
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy 71 – Coastal Protection</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Greater Taree Local Environmental Plan 2010</li> <li>• Greater Taree Development Control Plan 2010</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report dated 1 December 2016 Written submissions during public exhibition: one (1) from a member of the public, four (4) from Government agencies Verbal submissions at the panel meeting on 10 December 2015: Judith Pearson on behalf of Jarberg Investments; Philip Lidbury, Gavin Maberly-Smith and Brian Lidbury on behalf of the applicant
8	<b>Meetings and site inspections by the panel:</b> Site inspection, briefing meeting and public meeting on 10 December 2015
9	<b>Council recommendation:</b> Deferred commencement approval
10	<b>Draft conditions:</b> As attached to supplementary Council Assessment Report

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## SCHEDULE 2

### CONDITIONS OF DEFERRED COMMENCEMENT CONSENT 439/2014/DA

#### **CONCEPT APPROVAL - (Lot 117, 217, 218 & 219 DP 753149, Lot 591 & 592 DP 1180317, Lot 14 DP 733054, Lot 2 DP 1022067 & Lot B DP 377867)**

1. The following deferred commencement conditions must be complied with to the satisfaction of Council within 6 months of the issue of this consent, prior to the issue of an operational Development Consent.

- i. Legal access is to be provided to the proposed lots on the northern boundaries of Stages 4 and 6 to enable these lots to be created in accordance with the Concept Plan.

A section 88B instrument shall establish the following title encumbrance with Council being nominated as the sole authority to release, vary or modify unless specifically noted otherwise.

- a. 'right of carriageway' 16 metres wide burdening Lots 1 DP 655008 and Lot 10 DP 22528 and benefiting Lot 592 DP 1180317.

The following conditions of consent, including any other conditions that may arise from resolution of matters listed above, will be included in an operational Development Consent.

The operational Development Consent will be issued by Council after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

### **GENERAL**

2. The development is to be carried out in accordance with the following approved development plans, except as modified by any conditions of consent:

Title/Name	Drawing No.	Issue	Date	Prepared by
Proposed Subdivision of "Precinct 3" Forest Lane Old Bar Overall Layout Plan	6066 O/A	H Sheet 1 of 4	25/02/16	Lidbury Summers & Whiteman
Proposed Subdivision of "Precinct 3" Forest Lane Old Bar Layout Plan 1	6066 O/A	H Sheet 2 of 4	25/02/16	Lidbury Summers & Whiteman
Proposed Subdivision of "Precinct 3" Forest Lane Old Bar Layout Plan 2	6066 O/A	H Sheet 3 of 4	25/02/16	Lidbury Summers & Whiteman
Proposed Subdivision of "Precinct 3" Forest Lane Old Bar	6066 O/A	H	25/02/16	Lidbury Summers &

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3" Forest Lane Old Bar Layout Plan 3		Sheet 4 of 4		Whiteman
Proposed Subdivision of "Precinct 3" Forest Lane Old Bar Staging Plan	6066/OA	C Sheet 1 of 1	18/02/16	Lidbury Summers & Whiteman

3. Consent is given for the construction of the development in the following stages:

Stage	Land known as
1	Rawson
2	Stone
3	Jarberg North
4	Taylor
5	Goodear
6	Trad
7	Archer
8	Sainisch-Plimer
9	Love
10	Jarberg West

The development shall be carried out in the sequence given in this condition.

4. This development consent relates to the Concept of the Development and Stage 1 only. Pursuant to Section 83B(3) of the Environmental Planning and Assessment Act, 1979, this consent does not authorise the carrying out of any development on any part of the site unless accompanied by a separate consent subsequently granted to carry out development on that part of the site. As such, a separate development application must be submitted to Council for future Stages 2 – 10 of the development.

In accordance with Section 83D, while this development consent remains in force, the determination of any further development application in respect of that site cannot be inconsistent with this consent.

5. All easements and rights of way required to facilitate the proposed development are to be created with the release of the subdivision certificate for stage 1 of the development.
6. Prior to the issue of a Subdivision Certificate for sub-stage 1A, a 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.
- a. 'Restriction on the Use of Land' for any lots containing an overland stormwater drainage flow path, prohibiting the erection of any structure or alteration to the flow path without the express written consent of Council.
  - b. 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard requirements.
  - c. 'Positive Covenant' requiring the registered proprietor to ensure that the drainage reserve will be

maintained in a condition to enable it to drain to dry, and that it is not to be varied in any way without the consent of Council

## STORMWATER

7. All stormwater is to be disposed of by a drainage system to Council's drainage network for each stage of the development. A drainage design indicating all engineering details relevant to collection and disposal of stormwater for each stage is to be approved by Council in accordance with section 68 of the Local Government Act, 1993, prior to the issue of an engineering construction certificate. Details are to include existing site levels, finished levels, pipeline sizes and grades.

8. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the drainage design for each stage of the development by a suitably qualified and experienced person. In this regard, provision is to be made for best practice stormwater quality improvement devices (SQUID'S) at the outlets to collect litter, sand, silts and oils etc.

The devices selected are to be submitted to Council for approval with the engineering drawings in accordance with Section 68 of the Local Government Act, 1993 and are to be capable of retaining pollutants in accordance with the requirements of Council's Development Control Plan 2010 Design details for each stage are to be submitted to Council for approval prior to issue of an engineer construction certificate. A site specific Operation & Maintenance Manual for the whole of the life of the system designed must be prepared and submitted to Council for approval.

9. All stormwater management is to be carried out in accordance with the approved stormwater concept plan ref: LSW drawing no. 60660/A Sheet 4 of 4 issue H.

Detailed stormwater management plans will be required to be provided with the application for each stage of the development.

10. Stormwater conveyance, detention and quality facilities are to be designed and constructed in a contiguous configuration adjoining public road reserves for stages 1, 4, 6, 7 and 8 of the proposed development.

11. Stormwater conveyance, detention and quality facilities for stages 2, 3 and 10 are to designed and constructed on the Lot 2 DP 1022067.

12. The following easements for stormwater drainage are required to be created over the following lots to ensure that the subdivision can be development in accordance with the approved stages.

- a. A drainage easement over Lot 591 DP 1180317 in favour of Lot 219 DP 753149 is to be created prior to the issue of the subdivision certificate for sub-stage 1A.
- b. A drainage easements over Lot 219 DP 753149 in favour of Lot 218 DP 753149 is to be created prior to the issue of the subdivision certificate for sub-stage 1A.
- c. A drainage easements over Lot 218 DP 753149 in favour of Lot 217 DP 753149 is to be created prior to the issue of the subdivision certificate for sub-stage 1A.
- d. A drainage easements over Lot 2 DP 1022067 in favour of Lot B DP 377867 is to be created prior to the issue of the subdivision certificate for sub-stage 1A.

## UTILITIES

13. The development of each stage is to be carried out to ensure the provision of the following services to each lot (excluding residue lots):
- a) electricity supply
  - b) water supply
  - c) sewerage
  - d) National Broadband Network

## ROADS

14. A single lane concrete roundabout at the intersection of Forest Lane and proposed Road 1 is to be constructed with Stage 6 of the development.
15. The extension of Forest Lane from the western boundary of the development site to Saltwater Road, as a rural collector road, and a single lane concrete roundabout at the Saltwater Road /Forest Lane intersection, is to be constructed with Stage 6 of the development.
16. Traffic calming devices in Forest Lane and Wyden Street are to be installed in accordance with the recommendations of the Better Transport Futures Traffic Report Attachment B dated 11 April 2015 with Stage 3 of the development.
17. A Foot Paving and Cycleway Plan for the entire subdivision is to be submitted to Council for approval prior to the issue of the engineering construction certificate for Stage 1 - sub-stage 1A.

Such plan is to incorporate the following:

Collector Roads (including The Boulevard)	2.5m shared path (foot and cycleway) and 1.2m footpath
Local Streets	1.2m footpath
North/south Local Street (Archer)	2.5m shared path (foot and cycleway) connecting Forest Lane to The Boulevard
Perimeter Roads	2.5m shared path (foot and cycleway)

18. The submission to Council, as the Roads Authority, street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997 and include the provision of current best practice energy efficient lighting and documentation confirming a minimum of twenty (20) year design life. The design is to be approved by Council prior to the issue of the Engineering Construction Certificate for sub-stage 1A.
19. A Bus Route Plan is to be provided for each stage of the development and submitted to Council for approval prior to the issue of an Engineering Construction Certificate for that stage.
20. The development shall be carried out in accordance with the approved street lighting plan.

21. All subdivision roads must be constructed to Council's Auspec Design Manual standards as follows:

Road Hierarchy	Carriageway Width	Road Reserve
Collector (Forest Lane - residential)		
i) From the eastern boundary of development to Walter Fay Street (fire trail)	11.0m	20.0m
ii) From fire trail to western end of drainage reserve	11.0m – Applicant to construct half of the road fronting this development plus 3m past the road centreline (ie.8.5m on north side of road)	20.0m
Collector (Forest Lane - rural)		
From the western end of proposed drainage reserve to the western end of development site	9.0m – Applicant to construct half of the road fronting this development plus 3m past the road centreline (ie. 7.5 on north side of road)	20.0m
Rural Collector (Forest Lane)		
From the western boundary of the development site to the intersection of Saltwater Road	9.0m – Applicant to construct half of the road plus 3m past the road centreline (ie. 7.5m on north side of road)	20.0m
Collector	11.0m	20.0m
Boulevard	11.0m	23.5m

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Access Place	6.5m	14.0m
Local Street	8.0m	16.0m

22. Prior to the issue of a subdivision certificate for sub-stage 1A, a section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify unless specifically noted otherwise.
- a. 'right of carriageway' 20 metres wide burdening Lot 2 DP benefiting Lot B DP 377867.
  - b. 'right of carriageway' 14 metres wide burdening Lot 217 DP 753149 benefiting Lot 117 DP 753149.

### ENVIRONMENTAL

23. **A pre-clearing** survey is to be undertaken by a qualified ecologist to ensure the trees to be removed are not being utilised by any native fauna prior to clearing. The ecologist is to inspect all tree hollows and if any threatened fauna are detected, Council is to be notified and the felling of the tree postponed until the animal has been safely removed by the ecologist and relocated into an adjacent natural area. If a koala is detected in any of the trees to be removed, all works must cease within 100m of the tree and the koala permitted to vacate the area of its own accord. The clearing of all identified habitat trees is to be undertaken under the direct supervision of the ecologist. Any injured fauna should be forwarded to a qualified Wildlife Carer such as FAWNA (Ph: 6581 4141) or Koalas in Care (Ph: 6552 2183). The ecologist is to provide a report to Council within one-week of the tree clearing operation outlining the results of any fauna recovery operation and details of the number and hollows removed. Tree hollows must be salvaged and re-erected by the ecologist within a protected area on the subject site.
24. Prepare a Vegetation Management Plan (VMP) and submit to Council for approval prior to the issue of the Engineering Construction Certificate for Stage 1. The VMP is to address the following:
- a. the regeneration and long-term protection of the land identified as the northwest wildlife corridor on Lots 117 & 217 DP 753149 (zoned E2 Environmental Conservation under the GTCC Local Environmental Plan 2010); identified in the Ecological Statutory Impact Assessment prepared by Darkheart Eco-Consultancy dated November 2013 and the Ecological and Bushfire Investigation prepared by Umwelt dated September 2007;
  - b. the provision of compensatory planting on the above lots at a ratio of 2:1 to offset the loss of native vegetation;
  - c. the defining of the boundary of the offset planting area on identified as the northwest wildlife corridor on Lots 117 & 217 DP 753149 zoned E2 Environmental Conservation under the GTCC Local Environmental Plan 2010 with fauna friendly fencing constructed to restrict pedestrian access;
  - d. the details of the number and species of trees to be removed together with details of the compensatory planting to be undertaken including proposed location, numbers, species, the timing of works and



maintenance. Seedlings are to be of local provenance and comprise of local koala food trees and winter flowering eucalypts. The seedlings are to be established and maintained for a period of twelve months prior to the release of the Subdivision Certificate;

- e. the presence and extent of any noxious and environmental weeds within the conservation area and proposed methods of control; and
- f. Pre-clearing protocols to ensure tree and vegetation protection on the site.

25. In respect of the vegetated areas identified for protection of the northwest wildlife corridor on Lots 117 & 217 753149 the applicant is to register the following restrictions on the title of both lots pursuant to the provisions s88B of the *Conveyancing Act 1919* and recorded in the Register kept under the *Real Property Act 1900*.

- a. The following activities are not to be carried out on the land identified as the northwest wildlife corridor being Lots 117 & 217 DP 753149:
  - i. clearing, destruction, removal or harm to any native vegetation,
  - ii. wilful degradation of the natural state of or in the flow, supply, quantity, or quality of, any body of water,
  - iii. entry of any livestock,
  - iv. release or wilful introduction of any animal including any cat, dog or other domestic animal,
  - v. removal, introduction or disturbance of any soil, rocks, or other minerals or the construction of dams,
  - vi. recreational use of trail bikes or four wheel drive vehicles,
  - vii. accumulation of rubbish or the storage of any materials,
  - viii. removal of any timber including fallen timber, or
  - ix. any other activities not consistent with the intention of this restriction to protect the vegetated area unless required by law, in which case the registered proprietor is to seek Council's permission in writing prior to undertaking the proposed activity.
- b. The protected areas are to be managed in perpetuity in accordance with the approved Vegetation Management Plan.

The restriction is to be created at registration of the lots proposed in Stage 1 (Sub-stage 1A).

26. Trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final construction and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Areas" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

27. All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained and protected vegetation.

## LANDSCAPING

28. Prepare a Landscape Plan that ensures the following:

- a. the establishment of native plants as ornamental species to maintain and/or increase biodiversity, provide habitat, and maximise water efficiency.

- b. the planting in the street and along the edge of water quality management structures.
- c. the species for planting is to include locally indigenous species as recommended in the report by Darkheart Eco-Consultancy dated November 2013.

A landscape plan is to be submitted to Council for approval prior to the issue of the Engineering Construction Certificate for each Stage.

### **EARTHWORKS**

29. A Soil Erosion and Sediment Control Plan is to be prepared and submitted to Council for approval prior to the issue of the Engineering Construction Certificate for Stage 1. Such plan must be prepared in accordance with the provisions of Council's Development Control Plan 2010.

Erosion and sedimentation control measures (ESC) are to be put in place prior to the commencement of works in accordance with the approved plan to ensure that habitats on the site as well as subsequent wetlands/aquatic habitats nearby are not substantially affected by the proposed development.

30. An Acid Sulphate Soil Assessment Report and Management Plan is to be prepared and submitted to Council for approval prior to the issue of the Engineering Construction Certificate for Stage 1. All site works must be carried out in accordance with this approved plan.
31. Should any suspected archaeological material be discovered during works, works shall cease immediately in areas that could affect the material and the Office of Environment and Heritage and the Purfleet – Taree Local Aboriginal Land Council shall be contacted.

### **MULTI-DWELLING DEVELOPMENT**

32. Subdivision within Stages 3 and 10 must provide lots of a size suitable to accommodate integrated housing or multi-dwelling housing, particularly in those areas adjacent to the portion of Lot 2 DP 1022067 benefiting from a development consent for a private recreation facility (golf course).

### **DRAFT CONDITIONS OF APPROVAL 439/2014/DA**

#### **STAGE 1 APPROVAL - (Lot 591 DP 1180317)**

**THESE CONDITIONS APPLY TO STAGE 1 (Lots 1 – 66 Lot 591 DP 1180317) OF THE DEVELOPMENT (ALL SUB-STAGES 1A, 1B, 2A, 2B, 3A & 3B)**

#### **General Requirements**

*The following conditions of consent are general conditions applying to stage 1 (including all sub-stages) of the development:*

1. The development is to be carried out in accordance with the following approved development plans, except as modified by any conditions of consent:

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Title/Name	Drawing No.	Revision/Issue	Date	Prepared by
Proposed Subdivision of "Precinct 3" – Lot 591 Forest Lane Old Bar  Staging Plan	6066 O/A	I  Sheet 1 of 1	29/02/16	Lidbury Summers & Whiteman

2. Proposed Stage 1 is to be delivered in 6 sub-stages (1A, 1B, 2A, 2B, 3A, 3B) and in the following order:

Sub-stage 1A – Lots 5 - 14 (10 Lots)

Sub-stage 1B – Lots 15 - 24 (10 Lots)

Sub-stage 2A – Lots 25 - 34 (10 Lots)

Sub-stage 2B – Lots 35 - 44 (10 Lots)

Sub-stage 3A – Lots 45 - 53 (9 Lots)

Sub-stage 3B – Lots 54 - 66 (13 Lots)

3. The following approval bodies have given general terms of approval in relation to the development, as referred to in Section 93 of the *Environmental Planning and Assessment Act 1979*:

- a) NSW Rural Fire Service
- b) NSW Office of Environment & Heritage

The General Terms of Approval are attached to this consent as Appendix 1 & Appendix 2.

All General Terms of Approval are to be complied with as conditions of this development consent.

4. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council, splay corners of 4.0 m x 4.0 m within lots at all urban road intersections.
5. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council, all new roads as public roads. Council will not proceed with arrangements for dedication until it has received an accurate cadastral plan identifying the section of the road to be dedicated.
6. The subdivision roads must be constructed to Council's Auspec Design Manual standards.

Road No.	Hierarchy	Carriageway Width	Road Reserve
Forest Lane	Collector	11.0m	20.0m
1	Boulevard	11.0m	23.5m
2	Access Place	6.5m	14.0m
3	Local Street	8.0m	16.0m

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4	Access Place	6.5m	14.0m
5	Local Street	8.0m	16.0m
6	Local Street	8.0m	16.0m
7	Collector	11.0m	20.0m

7. Any site fill material must be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) or compliant with the Recovered Aggregate Exemption 2010 and in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste.

Site fill material shall be certified as VENM or ENM by a practicing Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

### **PRIOR TO THE ISSUE OF THE ENGINEERING CONSTRUCTION CERTIFICATE – STAGE 1 (ALL SUB-STAGES)**

*The following conditions of consent must be complied with prior to the issue of the Engineering Construction Certificate:*

8. A Geotechnical Report for pavement design of the proposed roadworks prepared by a suitably qualified and practicing engineer must be submitted to Council for approval.
9. A Landscaping Plan is to be prepared and submitted to Council for approval.
10. Plans for the civil works, prepared in accordance with Council's Auspec Design Manual and the relevant Bush Fire Safety Authority are to be submitted to and approved by Greater Taree City Council. Plans are to be accompanied by the current appropriate fees, together with an engineering construction certificate application and long service levy.
11. A Soil & Water Management Plan must be prepared by a suitably qualified and practicing engineer, detailing temporary and permanent measures proposed to be installed, and submitted for approval with the engineering drawings.
12. A Stormwater Drainage Report prepared by a suitably qualified and practicing engineer must be submitted to Council for approval.

The report must determine the extent of the 1% ARI storm event affecting the subject land, including the effects of the total development of the catchment, the effects on the downstream properties. The report must analyse the impact of the upstream catchment developed to its full potential as well as the fully developed subject land on the downstream drainage system.

13. On-site detention must be provided for the development in accordance with Council's on-site detention guidelines.

The design must be prepared by a registered surveyor or practicing engineer. The design must be approved by

Council, with the appropriate fee in accordance with section 68 of the Local Government Act 1993.

The design must incorporate overland flow routes (including design of swales) to carry the difference between the design storm event and the 1% AEP (100 year ARI) storm events.

Note: AUSPEC requirement for design storm event is 20% AEP (5 year ARI) residential area.

Water Sensitive Urban Design (WSUD) principles are to be incorporated into the drainage design by a suitably qualified and experienced person. In this regard, provision is to be made for best practice stormwater quality improvement devices (SQUID'S) at the outlets to collect litter, sand, silts and oils etc.

The devices selected are to be submitted to Council for approval with the engineering drawings in accordance with Section 68 of the Local Government Act, 1993 and are to be capable of retaining pollutants in accordance with the requirements of Council's Stormwater Management Plan and Australian Runoff Quality (ARQ). Design details for the system are to be submitted to Council for approval. A site specific Operation & Maintenance Manual for the whole of the life of the system designed must be prepared and submitted to Council for approval.

14. Suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. 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 structural improvements within the adjoining property.

### **PRIOR TO COMMENCEMENT OF WORKS – STAGE 1 (ALL SUB-STAGES)**

*The following conditions of consent must be complied with prior to any works commencing on the development site:*

15. A Traffic Control Plan (TCP) prepared by a qualified person and submitted to Council. No works are to commence until the TCP has been approved by Council.
16. 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.

17. Council must be provided with photographic evidence of any existing damage to Council infrastructure fronting or adjacent to the development site. Otherwise any damage is assumed to be related to the development and must be rectified in accordance with Council's current standards at no cost to Council.
18. Where survey marks on public record exist on the site:
  - a. Submit a plan, prepared by a registered surveyor, showing all such survey marks, which may be disturbed or destroyed during the course of the works;
  - b. Pay a cash bond or bank guarantee to the value of \$5,000.00 to cover the potential cost of replacement of

any such marks disturbed or destroyed during the course of the works. The value of such bond shall be determined by Council on examination of the plan supplied.

The bond shall be released to the applicant upon the lodgement with Council of:

- a. a declaration by a registered surveyor, stating that no survey marks as shown on the submitted plan have been disturbed or destroyed, or
  - b. a plan, prepared by a registered surveyor, and acceptable to the Land & Property Information for registration as a public record plan, showing the positions and values of all survey marks placed by the registered surveyor in lieu of the survey marks shown on the submitted plan which have been destroyed or disturbed during the course of the works.
19. Trees to be removed are to be clearly marked with flagging tape prior to removal or the carrying out of approved site works. Tree removal is to be conducted by selective directional felling away from areas of vegetation to be retained.

### **DURING WORKS – STAGE 1 (ALL SUB-STAGES)**

*The following conditions of consent must be complied with during the construction stage of the development:*

20. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
21. All filling and testing is to be carried out in accordance with the current edition of AS 3798 - 1996 - Guidelines on Earthworks for Commercial & Residential Developments, under the supervision of a suitably qualified and practicing Geotechnical Engineer.
22. Where depth of filling exceeds 300mm, Council will require that it be constructed in horizontal layers not exceeding 150mm compacted thickness. Each layer is to be compacted to at least 95% of the maximum dry density, when tested, in accordance with the current edition of AS 1289 - 1993 Clauses 5.1.1 and 5.3.1. Verification of the compaction is to be provided by a certificate, incorporating a location plan indicating filled areas in relation to road and lot boundaries, from a registered N.A.T.A testing laboratory.

### **PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – STAGE 1 (ALL SUB-STAGES)**

*The following condition of consent must be complied with prior to the issue of any Subdivision Certificate for Stage 1.*

23. An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application must address ALL those conditions of consent required to be complied with "Prior to the issue of a subdivision Certificate" with a clear explanation how that condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition.

The application MUST be one complete, concise package, addressing all those conditions. Failure to provide

the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

24. An application for a Subdivision Certificate must be submitted to and approved by the Council under the Conveyancing Act 1919 prior to endorsement of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of Section 157 of the Environmental Planning and Assessment Regulation 2000.
25. 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:
  - a. electricity supply
  - b. water supply
  - c. sewerage
  - d. National Broadband Network
26. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 issued by the NSW Rural Fire Services dated 2 December 2015. Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
27. The approved On-site Detention System must be constructed prior to the issue of a Subdivision Certificate. The following requirements are to be satisfied:
  - a. Works-as-executed details obtained by the person responsible for the design and supervision are to be submitted to verify the storage has been constructed in accordance with the design requirements, and that floor levels are above the minimum required. Any significant variations must be supported by amended calculations.
  - b. Verification that an appropriate '88B Restriction as to User' or transfer granting easement (in accordance with Council's standard wording) has been placed on the title of the land describing the facility clearly, nominating that the drainage reserve will be maintained in a condition to enable it to drain to dry, and that it is not to be varied in any way without the consent of Council.
28. The following will be required after practical completion of works and services to Council's standards:
  - a. A "Works as Executed" (WAE) set of drawings prepared in accordance with the requirements of Council's Auspec Design Manual. These must be original drawings showing as constructed details of all works and services, suitably endorsed as correct on each sheet by the Superintendent. The WAE drawings must also be in electronic format with GPS locations for all drainage structures.
  - b. Maintenance Deposit - Deposit with Council (or a Bank Guarantee) for a period of twelve months from completion of engineering work of a sum equal to 5% of the cost of Engineering works. This security is to be lodged to guarantee the quality of work and to ensure that the contractor carries out all maintenance and repairs required during this period.
  - c. Bonding Policy - Any work to be bonded must be in accordance with Council Policy Auspec Design Manual. Generally bonds will only be accepted for final seal or Asphaltic Concrete surfacing. Bonding will be via a cash bond or bank guarantee in the sum of 150% of the current cost of carrying out the work at Council rates. The time limit for such bonds is three (3) months.

The actual contract values of all assets (roads, stormwater drainage, open space, etc) dedicated to the public are to be submitted with "Works as Executed" drawings on Council's standard form.

29. All filled areas are to be compacted in accordance with the requirements of the current edition of AS 3798, Guidelines on Earthworks for Commercial and Residential Developments. 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 Subdivision Certificate.
30. The applicant is to restore, replace or reconstruct any damage caused to road pavements, surfaces or street furniture on existing roads used for the construction of the subdivision.
31. 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.
32. Suitable certification prepared by a Registered Surveyor certifying that all lots have been filled to a level above the 1% AEP flood level, generally in accordance with the J Wyndham Prince Stormwater and Flood Management Strategy dated April 2014, is to be provided to Council.
33. 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.
  - a. 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system. The terms of the covenant are to be prepared to Council's standard requirements.
  - b. 'Easement to Drain Water' as required by the approved development plans.
  - c. 88B Restriction as to User or transfer granting easement (in accordance with Council's standard wording) has been placed on the title of the land describing the facility clearly, nominating that the drainage reserve will be maintained in a condition to enable it to drain to dry, and that it is not to be varied in any way without the consent of Council
34. The works detailed in the Vegetation Management Plan prepared in accordance with the Concept Approval are to be implemented and maintained for a period of 12 months following the issue of the Subdivision Certificate. A Final Report is to be submitted to Council on completion of the works detailing compliance with the approved plan.

**THESE CONDITIONS APPLY TO SUB-STAGE 1A (Lots 1 – 14, drainage reserve & residue lot) OF THE DEVELOPMENT  
PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 1A**

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

35. Section 94  
The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:



# HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98

Total Per Lot \$14,685.40

(10 Lots – 1 credit = 9 contributions payable)

**Old Bar Precinct 3 - Total: \$132,168.60**

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16

Total Per Lot \$2,462.04

(10 Lots – 1 credit = 9 contributions payable)

**Greater Taree (no exclusions) – Total \$22,158.36**

## Timing of Payment

The contribution must be paid prior to issue of a Subdivision Certificate.

## Indexing

The contribution rate in "Section 94 Contributions Plan 2001 and 2010" will be adjusted.

36. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council's Auspec Design and Construction Specifications.

- a. The following intersections are to be constructed in accordance with: - AustRoads "Guide to Road Design Part 4A - Unsignalised and Signalised Intersections"

<u>Intersection</u>	<u>Treatment</u>
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Road 1/ Forest Lane	Design single lane concrete roundabout & construct kerb returns & temporary splitter island in Road 1 to suit future roundabout
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- b. The carriageway of Forest Lane at the junction with Road 1 and along the site frontage must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent

longitudinal failure at the joint between the new road and the existing road.

- c. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
  - d. Erection of white reflectorised guideposts at the end of all uncompleted roads.
  - e. Safety barriers are to be erected on both sides of the subdivision road for the full length of embankments over major drainage culverts, in accordance with Roads and Traffic Authority Road Design Guide, or as agreed by Council.
  - f. Construction of concrete footpath paving 1.2 metres wide in Road 1, in accordance with the approved Footpaving Plan.
  - g. A 125 mm thick steel reinforced concrete driveway 3.0 metres wide is to be constructed in accordance with Council Standard Drawings for the full length of the handle of the proposed new lots 5 and 6 and across the verge, prior to the issue of a Subdivision Certificate. Details of the driveway, associated drainage structures and any retaining walls required are to be approved by Council.
  - h. The verge is to be re-graded, levelled and turfed or grass seeded.
  - i. Construction of a shared pedestrian/cycle way in Road 1 from Forest Lane to the end of Road 1, and along the northern Forest Lane frontage, in accordance with Council's standard drawing. Cycle ways are to have a minimum width of 2.5 metres and to be constructed in reinforced concrete. Grab rails and appropriate signage in accordance with Austroads guidelines must be constructed at the Forest Lane end of the shared pedestrian/cycleway, generally in accordance with the approved shared footpath/cycleway plan.
  - j. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.
  - k. Construction of the stormwater detention and water quality structures in accordance with the approved plan. Note: The detention ponds adjacent to culverts under Forest Lane must drain dry.
37. 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.
- i. A reciprocal right of access and easements for services 4 metres wide over proposed Lots 5 & 6 is to be created. The linen plan and 88B instrument are to be submitted to Council for approval.
38. The land identified as being associated with the roundabout construction is to be transferred to Council upon registration of the Subdivision for Sub-Stage 1A. The transfer and registration of the plan shall occur at no cost to Council.
39. The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

40. The retaining wall structures near to the eastern boundary of Stage 1A and proposed drainage reserve are to be constructed in accordance with the approved plan.

**THESE CONDITIONS APPLY TO SUB-STAGE 1B (Lots 15 – 24 & residue lot) OF THE DEVELOPMENT**

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 1B**

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

41. Section 94

The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98
 Total Per Lot	 \$14,685.40
<i>(10 Lots = 10 contributions payable)</i>	
<b>Old Bar Precinct 3 - Total:</b>	<b>\$146,854.00</b>

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16
 Total Per Lot	 \$2,462.04
<i>(10 Lots = 10 contributions payable)</i>	
<b>Greater Taree (no exclusions) – Total</b>	<b>\$24,620.40</b>

**Timing of Payment**

The contribution must be paid prior to issue of a Subdivision Certificate.

### Indexing

The contribution rate in *"Section 94 Contributions Plan 2001 and 2010"* will be adjusted.

42. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council's Auspec Design and Construction Specifications.
- a. The carriageway of the existing road at the junction with Road 1 must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent longitudinal failure at the joint between the new road and the existing road.
  - b. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
  - c. Erection of white reflectorised guideposts at the end of all uncompleted roads.
  - d. Construction of concrete footpath paving 1.2 metres wide in Roads 1 and 3.
  - e. The verge is to be re-graded, levelled and turfed or grass seeded.
  - f. Construction of a shared pedestrian/cycle way in Road 1 from Stage 1A boundary to the end of Road 1 in accordance with Council's standard drawing. Shared pedestrian/ cycle ways are to have a minimum width of 2.5 metres and must be constructed in reinforced concrete generally in accordance with the approved shared footpath/cycleway plan.
  - g. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.
  - h. A reinforced commercial driveway crossing (turning bay) must be provided by the applicant in Lot 20 to accommodate the turning movements of a Council garbage truck and a 8.8 metre Fire Tender, at no cost to Council and generally in accordance with Council Standard Drawings.
43. 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.
- a. Easement for access burdening proposed Lot 20 covering the turning bay and benefiting Council.
44. The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

**THESE CONDITIONS APPLY TO SUB-STAGE 2A (Lots 25 – 34 & residue lot) OF THE DEVELOPMENT**

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 2A**

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

45. Section 94

The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98
 Total Per Lot	 \$14,685.40
<i>(10 Lots = 10 contributions payable)</i>	
<b>Old Bar Precinct 3 - Total:</b>	<b>\$146,854.00</b>

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows:

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16
 Total Per Lot	 \$2,462.04
<i>(10 Lots = 10 contributions payable)</i>	
<b>Greater Taree (no exclusions) – Total</b>	<b>\$24,620.40</b>

**Timing of Payment**

The contribution must be paid prior to issue of a Subdivision Certificate.

**Indexing**

The contribution rate in “*Section 94 Contributions Plan 2001 and 2010*” will be adjusted.

46. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council’s Auspec Design and Construction Specifications.

- a. The carriageway of the existing road at the junction with Road 1 must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent longitudinal failure at the joint between the new road and the existing road.
- b. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
- c. Erection of white reflectorised guideposts at the end of all uncompleted roads.
- d. Construction of concrete footpath paving 1.2 metres wide in Road 1.
- e. The verge is to be re-graded, leveled and turfed or grass seeded.
- f. Construction of a shared pedestrian/cycle way in Road 1 from Stage 1B boundary to the end of Road 1 in accordance with Council's standard drawing. Shared pedestrian/ cycle ways are to have a minimum width of 2.5 metres and must be constructed in reinforced concrete, generally in accordance with the approved shared footpath/cycleway plan.
- g. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.

**THESE CONDITIONS APPLY TO SUB-STAGE 2B (Lots 35 – 44 & residue lot) OF THE DEVELOPMENT**

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 2B**

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

**47. Section 94**

The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98
 Total Per Lot	 \$14,685.40
<i>(10 Lots = 10 contributions payable)</i>	

## Old Bar Precinct 3 - Total:

**\$146,854.00**

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16

Total Per Lot	\$2,462.04
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*(10 Lots = 10 contributions payable)*

<b>Greater Taree (no exclusions) – Total</b>	<b>\$24,620.40</b>
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### Timing of Payment

The contribution must be paid prior to issue of a Subdivision Certificate.

### Indexing

The contribution rate in “Section 94 Contributions Plan 2001 and 2010” will be adjusted.

48. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council’s Auspec Design and Construction Specifications.
- a. The carriageway of the existing road at the junction with Road 5 must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent longitudinal failure at the joint between the new road and the existing road.
  - b. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
  - c. Erection of white reflectorised guideposts at the end of all uncompleted roads.
  - d. Construction of concrete footpath paving 1.2 metres wide in Roads 1 and 5.
  - e. The verge is to be re-graded, levelled and turfed or grass seeded.
  - f. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.
  - g. A reinforced commercial driveway crossing (turning bay) must be provided by the applicant in Lot 40 to

accommodate the turning movements of a Council garbage truck and a 8.8 metre Fire Tender, at no cost to Council and generally in accordance with Council Standard Drawings.

49. 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.

a. Easement for access burdening **proposed Lot 40** covering the turning bay and benefiting Council.

## THESE CONDITIONS APPLY TO SUB-STAGE 3A (Lots 45 – 53 & residue lot) OF THE DEVELOPMENT

50. Section 94

The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98
 Total Per Lot	 \$14,685.40
<i>(9 Lots = 9 contributions payable)</i>	
<b>Old Bar Precinct 3 - Total:</b>	<b>\$132,168.60</b>

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16
 Total Per Lot	 \$2,462.04
<i>(9 Lots = 9 contributions payable)</i>	
<b>Greater Taree (no exclusions) – Total</b>	<b>\$22,158.36</b>



### Timing of Payment

The contribution must be paid prior to issue of a Subdivision Certificate.

### Indexing

The contribution rate in "Section 94 Contributions Plan 2001 and 2010" will be adjusted.

### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 3A

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

51. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council's Auspec Design and Construction Specifications.
- a. The carriageway of the existing road at the junction with Road 1 must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent longitudinal failure at the joint between the new road and the existing road.
  - b. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
  - c. Erection of white reflectorised guideposts at the end of all uncompleted roads.
  - d. Construction of concrete footpath paving 1.2 metres wide in Roads 1 and 6.
  - e. The verge is to be re-graded, levelled and turfed or grass seeded.
  - f. Construction of a shared pedestrian/cycle way in Road 1 from Stage 2A boundary to the end of Road 1 in accordance with Council's standard drawing. Shared pedestrian/ cycle ways are to have a minimum width of 2.5 metres and must be constructed in reinforced concrete, generally in accordance with the approved shared footpath/cycleway plan.
  - g. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.
  - h. A reinforced commercial driveway crossing (turning bay) must be provided by the applicant in proposed Lot 49 to accommodate the turning movements of a Council garbage truck and a 8.8 metre Fire Tender, at no cost to Council and generally in accordance with Council Standard Drawings.
52. 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.
- a. Easement for access burdening proposed Lot 49 covering the turning bay and benefiting Council.

53. A 125mm thick steel reinforced concrete driveway 3.0 metres wide is to be constructed in accordance with Council's standard drawings for the full length of the handle of the proposed Lot 47 and across the verge, prior to the issue of the Subdivision Certificate details of the driveway, associated drainage structures and any retaining walls required are to be approved by Council.

**THESE CONDITIONS APPLY TO SUB-STAGE 3B (Lots 54 – 66) OF THE DEVELOPMENT**

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – SUB-STAGE 3B**

*The following condition of consent must be complied with prior to the issue of the Subdivision Certificate.*

54. Section 94

The applicant is to make a contribution to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*.

The individual contributions from **Old Bar Section 94 Contributions Plan 2010** are as follows:

Open Space Acquisition	\$2,892.11
Recreational Facilities	\$8,321.44
Community	\$1,319.31
Community Land Acquisition	\$209.56
Roadworks & Traffic (Excluding Link Road)	\$1,368.87
Roadworks & Traffic Land Acquisition (Excluding Link Road)	\$202.32
Rural Fire Fighting (Rural)	\$42.81
Plan Management & Admin	\$328.98
 Total Per Lot	 \$14,685.40
<i>(13 Lots = 13 contributions payable)</i>	
<b>Old Bar Precinct 3 - Total:</b>	<b>\$190,910.20</b>

The individual contributions from **Greater Taree Section 94 Contributions Plan 2001** are as follows

Central Library Service enhancement	\$492.80
Library Bookstock	\$142.44
Aquatic Centre	\$181.37
Rural Fire Fighting (Centre)	\$439.04
Surf Life Saving Facilities	\$219.76
Regional Open Space	\$452.35
Finance	\$183.95
S94 Co-ordinator	\$339.17
S94 Plan Preparation	\$11.16
 Total Per Lot	 \$2,462.04
<i>(13 Lots = 13 contributions payable)</i>	
<b>Greater Taree (no exclusions) – Total</b>	<b>\$32,006.52</b>

## Timing of Payment

The contribution must be paid prior to issue of a Subdivision Certificate.

## Indexing

The contribution rate in *"Section 94 Contributions Plan 2001 and 2010"* will be adjusted.

55. A Council Approved contractor is to carry out the following civil work and services in accordance with the approved plans and Council's Auspec Design and Construction Specifications.
- a. The carriageway of the existing road at the junction with Road 1 must be designed in accordance with Austroads Guide to Road Design (Widenings) and constructed so as to prevent longitudinal failure at the joint between the new road and the existing road.
  - b. Erection of street name signs for each road in the subdivision, (together with "No Through Road" plates). The applicant is to submit a list of at least three (3) street names for each street including the reasons for each name for Council's approval at least six (6) months prior to anticipated release of the Subdivision Certificate (to enable adequate time for advertising and approval). The street naming request shall be accompanied by the appropriate fee. The current fee can be obtained by contacting Council's Customer Service Centre on (02)6592 5399.
  - c. Erection of white reflectorised guideposts at the end of all uncompleted roads.
  - d. Construction of concrete footpath paving 1.2 metres wide in Roads 1 and 7.
  - e. The verge is to be re-graded, leveled and turfed or grass seeded.
  - f. Construction of a shared pedestrian/cycle way in Road 1 and Road 7 from Stage 3A boundary to the end of Road 1 and Road 7 in accordance with Council's standard drawing. Shared pedestrian/ cycle ways are to have a minimum width of 2.5 metres and must be constructed in reinforced concrete, generally in accordance with the approved shared footpath/cycleway plan. Grab rails and appropriate signage in accordance with Austroads guidelines must be constructed at Road 7 and Road 1 intersection.
  - g. Provision of stormwater drainage pipes/channels through the subject land within drainage easements, including inter-lot drainage for future lot connections.
  - h. A reinforced commercial driveway crossing (turning bay) must be provided by the applicant in Lot 57 to accommodate the turning movements of a Council garbage truck and a 8.8 metre Fire Tender, at no cost to Council and generally in accordance with Council Standard Drawings.
56. 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.
- a. Easement for access burdening proposed Lot 57 covering the turning bay and benefiting Council.
57. Completion of the off-set planting within Lots 117 & 217 DP 753149.

## APPENDIX 1

### *NSW Rural Fire Service General Terms of Approval*

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The proposed development is to comply with the following plans and documents, except where modified by this Bush Fire Safety Authority:
  - Precinct 3 Concept plan titled 'Subdivision of Precinct 3 Forest Lane Old Bar Overall Layout Plan prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision F, sheet 1 Of 4, dated 28 April 2014;
  - Precinct 3 Concept plan titled 'Subdivision of Precinct 3 Forest Lane Old Bar Layout Plan 1 prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision F, sheet 2 of 4, dated 28 April 2014;
  - Precinct 3 Concept plan titled 'Subdivision of Precinct 3 Forest Lane Old Bar Layout Plan 2 prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision F, sheet 3 of 4, dated 28 April 2014;
  - Precinct 3 Concept plan titled 'Subdivision of Precinct 3 Forest Lane Old Bar Layout Plan 3 prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision F, sheet 4 of 4, dated 28 April 2014;
  - 'Rawson' Subdivision Layout plan titled 'Proposed Subdivision of Precinct 3 Lot 591 Forest Lane Old Bar Staging Plan prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision E, sheet 1 of 1, dated 8 May 2015.
2. A 10 metre asset protection zone (APZ) is to be provided from the eastern boundary of proposed Lot(s) 8, 9, 10, 11, 27, 28, 29, 30 & 48 of the development. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on these lots requiring the provision of this APZ which shall be maintained as outlined within section 4.1 .3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This restriction can be extinguished upon commencement of any future proposed residential development on the adjacent lot, but only if the hazard is removed as part of the proposal.
3. For each residential stage release, as identified in the 'Rawson' Subdivision Layout plan titled 'Proposed Subdivision of Precinct 3 Lot 591 Forest Lane Old Bar Staging Plan prepared by Lidbury Summers & Whiteman, Dwg No F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision E, sheet 1 of 1, dated 8 May 2015, a 50 metre asset protection zone (APZ) shall be maintained on the residual lot on that part that adjoins that residential stage release. The APZ shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'
4. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
5. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'. Temporary turning heads shall be constructed for each stage as depicted on the following plan:
  - 'Rawson' Subdivision Layout plan titled 'Proposed Subdivision of Precinct 3 Lot 591 Forest Lane Old

Bar Staging Plan prepared by Lidbury Summers & Whiteman, Dwg No  
F:\6066\6066Precinct3\6066JARPrecinct3DWG, Revision E, sheet 1 of 1, dated 8 May 2015.

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

### **APPENDIX 2**

#### ***NSW Office Environment and Heritage General Terms of Approval***

1. That the proponent make an application to OEH for an Aboriginal Heritage Impact Permit (AHIP), to allow for the community collection of AHIMS Site # 30-6-0186 (SOB1) and any unknown Aboriginal objects recovered during any works associated with Stage 1 Subdivision (66 lots and Residue).
2. The following documents must be adhered to:
  - Aboriginal Cultural Heritage Consultation Requirement for Proponents (OEH 2010)
  - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (OEH 2010).