

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/95

DATE: 21/09/2015

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	-	All About Planning	February 2015
Architectural Plans & Specifications	-	EJE Architecture	26 August 2015
Landscaping Concept Masterplan	DA01-DA09	Terras Landscape Architects	19/2/2015 as amended 27 August 2015
Bushfire Protection Assessment	-	Ecological Australia	17 February 2015
Tree Retention Plan - Bushfire APZ's	630.11113	SLR Consulting Australia	25 August 2015
Ecological Flora & Fauna Assessment Report & Addendum	-	SLR Global Environmental Solutions	February 2015 as amended 25 August 2015
Koala Plan of Management	-	SRL Global Environmental Solutions	13 February 2015 as amended 3 September 2105
Social Impact Assessment	-	All About Planning	February 2015
Traffic Report	14056 02	TEF Consulting	18 February 2015

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.

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (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 D15/0629 DA 15031096086PC and dated 20 July 2015.

- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Kingfisher Road a 1.2 metre wide

footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD 100 series. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.

- (10) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (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.
- (12) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (13) (A052) All Sewage Pumping Stations are to be contained wholly within a separate lot dedicated to Council inclusive of constructed and sealed access handle to the public road. Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (14) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system (Existing Sewer Manhole PM71P131MH)
- (15) (A199) An application for an Infrastructure Construction Certificate for works to be accepted as public assets (including sewer and stormwater mains within private property) shall be approved by Council under s68 of the Local Government Act prior to construction of those works.

- (15) (A200) Any removal of vegetation is to confirm with the tree retention plan as displayed on the SLR tree retention removal plan 630.11113 dated 24/8/2015.
- (16) (A201) No dogs are to be kept on the site.
- (17) (A202) Any future removal of dead wood of retained trees is to be undertaken during the months of October to March by a qualified arborist. No tree maintenance works is to remove, destroy, and or structurally compromise any existing hollow within any part of any retained tree.
- (18) (A203) New perimeter fencing is to be compliant with Table 6 of the approved Koala Plan of Management
- (19) (A204) Development is to be carried out in accordance with the approved Koala Plan of Management.
- (20) (A205) The developer is to pay for the full cost, for establishment and maintenance and reporting of the koala offsite offset as detailed in the Koala Plan of Management, and the cost of erecting and maintaining nest boxes as per the approved nest box replacement plan.
- (21) (A206) The developer is to submit an annual KPOM monitoring report to Council and the Department of Planning and Environment for a period of five (5) years, unless otherwise negotiated with Council. The report is to detail:
- The finding of an annual koala survey with a discussion of observed trends
 - The apparent health and fecundity of individual koalas observed in the area of the development
 - An analysis of the frequency and location of road injuries / kills in the area; and
 - The succession/health of the offset koala feed tree plantings and subject utilisation.
- The annual monitoring report is to be undertaken by a Koala specialist, agreed to by Council.
- (22) (A208) All retained trees are to be managed in accordance with AS4970. 2009

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current

AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Road works along the frontage of the development.
2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
3. Sewerage reticulation.
4. Water supply reticulation.
5. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
6. Retaining walls.
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. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, ASD 207 & AS 2890, Port Macquarie-Hastings Council current version.
11. Provision of a 1.2m concrete footpath across the full road frontage of the property.

- (3) (B006) An application 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 submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (4) Prior to the issue of a Construction Certificate, the applicant shall provide plans for approval by Council as part of a Roads Act (s138) application detailing a revised access design to the development. The revised access design shall allow a minimum unobstructed queuing length of 80m from the existing Kingfisher Road Waste Management Facility weighbridge.

The revised access design shall ensure entry to the site can be made via the northern access.

- (5) (B009) The applicant shall formally surrender the consent relating to DA No. 373/1997 for a 14 Lot Subdivision at the site by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.
- (6) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005
 - Hastings S94 Major Roads Contributions Plan
 - Hastings S94 Open Space Contributions Plan

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

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

- (7) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (8) (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 prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (9) (B028) The water meters are to be located so that they are accessible from the road frontage for reading. To this end, the front fence is to be provided with a recess to accommodate the water meters.
- (10) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;
- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

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

- (11) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (12) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (13) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

- (14) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (15) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (16) (B055) Construction plans are to include the sizing and configuration of the fire hydrant, fire sprinkler and domestic water supply metering and control installations so that sufficient space is allowed for this facility as well as addressing the overall aesthetics.
- (17) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (18) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.

- (19) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (20) (B199) A watermain augmentation (about 225 metres long) will be required in Kingfisher Road as well as a water main extension (about 125 metres long). The final details will be subject to water reticulation computer modelling.
- (21) (B200) Final water service sizing for the development site will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.
- (22) (B201) The Council has provided a concept plan for the sewer strategy for the area. This strategy was reliant on infrastructure to be built to service the CSU University and the student accommodation. The sewer is to be discharged into the manhole (PM71P131MH) on the corner of Braeroy Dr. The sewer reticulation strategy provided is acceptable for sewer section. A detailed design is to be submitted.
- (23) (B202) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) Piped drainage and easement in favour of Council for drainage of the Kingfisher Road reserve, from the sag point along the frontage to a suitable discharge point downstream of the development. Inlet pit(s) and piped infrastructure will need to be constructed and the landform graded to contain overland flows during major rainfall events, in accordance with Council's AUS-SPEC standards. The discharge point will require adequate scour protection works.
 - b) Liaise with the adjoining landowner (CSU) to determine if a mutually beneficial point of discharge can be designed. Note that the future Stage 2 CSU development will likely need to capture this discharge in order to direct it around the Stage 2 works.
 - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - g) The Development Approval has made provision for the natural flow of stormwater runoff from uphill/upstream properties. The design must include the collection of such waters and discharge to the Council drainage system. Additional design elements to be addressed include dimensions of any swale or piped system, provision of freeboard within any overland flow path (having regard for future growth of vegetation), scour protection, and legal maintenance access and rights.
 - h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- i) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - j) The following clarifications are to be provided with the stormwater detailed design:
 - i. The Mannings “n” value utilised for grassed areas appears very low and may misrepresent existing site characteristics. Justification needs to be provided for the value of 0.017, OR the DRAINS Modelling shall be revised to include a higher value.
 - ii. Confirmation is sought as to whether any rainwater reuse is proposed. The volume of on-site stormwater detention storage (OSD) can potentially be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed.
- (24) (B203) Surge analysis of sewer rising main is to be conducted as per Aus-Spec requirements D12, Specifically negative pressure section. .
- (25) (B204) Owner’s consent shall be obtained and provided to Council and the accredited certifier with any Section 68 application and/or Construction Certificate application for each lot on which works are proposed including for:
- a) Public and/or private drainage infrastructure (i.e. interallotment drainage, Council drainage)
 - b) Council’s sewer infrastructure (i.e. sewer junction, sideline, rising main or manhole)
- (26) (B205) A 1.2m wide concrete pedestrian footpath shall be constructed to (directly or indirectly) connect the site to Major Innes Road. This may be either:
- a) A connection to footpath within the university land (Lot 2 or 3 DP 1178043), if that owner’s consent is obtained if any works are required on that land, or
 - b) Construction of footpath to Major Innes Road within the Crown road reserve along the southern boundary of the site, with consent from the Crown Lands authority. Details are to be submitted with the application for Construction Certificate.
- (27) (B206) The landowner shall construct the following works along the Kingfisher Road frontage of the site to the satisfaction of Council. Details are to be submitted and approved under a Roads Act (s138) application prior to issue of a Construction Certificate:
- a) Widening of the road to a minimum 9m wide, with construction of an AUS-SPEC ‘Industrial’ standard pavement,
 - b) Upright (SA type) kerb and gutter, with transitions to the existing layback type kerb near the adjacent property,
 - c) Minimum 1.2m wide concrete footpath, and
 - d) The existing footpath/verge area in Kingfisher Road is to be raised to contain stormwater in the street, except at the location required for the overland flow path in major events (as defined by AUS-SPEC D5).
- (28) (B207) Prior to issue of the Roads Act (s138) approval, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council’s minimum pavement compaction testing criteria are as follows:
- a) 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b) 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c) 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used)

- (29) (B208) Prior to issuing a construction certificate, the developer is to lodge a bond to cover the cost for establishment and maintenance of the koala offsite offset as detailed in the Koala Plan of Management and the cost of erecting and maintaining nest boxes as per the approved nest box replacement plan. The bond is to be determined by Council.
- (30) (B209) Prior to issuing the construction certificate, a tree management plan, for all retained trees within 10m of any proposed built structure or earthworks, is to be approved by Council.
- (31) (B210) Prior to issuing a construction certificate, the developer is to submit a GIS shapefile detailing the boundaries of the koala offsite offset area as per the approved Koala Plan of Management.
- (32) (B211) Prior to issuing a construction certificate, the developer is to register an instrument under s88b of the Conveyancing Act 1919 on the title of the land, registering the SLR tree retention / removal plan 630.11113. Covenant is to be made in the favour of Council.
- (33) (A198) Prior to the issue of a Construction Certificate the applicant shall prepare plans detailing a 2.1m high security fence on the boundary adjacent to the Kingfisher Road Waste Management Facility weighbridge.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (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.

D – DURING WORK

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

- h. prior to the pouring of concrete for sewerage works and/or works on public property;
- i. on completion of road gravelling or pavement;
- j. during construction of sewer infrastructure;
- k. during construction of water infrastructure;
- l. 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) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (4) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (5) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (6) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (7) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location. The Ecologist is to instruct all tree removal works onsite at all times.
- (8) (D109) Habitat Tree protocol as detailed in the approved Koala Plan of Management is to be undertaken by a qualified ecologist during the undertaking of work.
- (9) (D110) Within 7 days of vegetation clearing, a hollow bearing tree inventory is to be submitted, detailing the total number of, and characteristics of hollows removed, report of fauna sighted emerging from trees removed, and a nest box replacement plan to be approved to the satisfaction of Council.
- (10) (D111) Within 1 month of vegetation clearing, nest boxes, as detailed in the approved nest box replacement plan, are to be erected by a qualified ecologist and a map submitted to Council.

- (11) (D195) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (12) (D196) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a) CBR test results, and
 - b) Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete or bitumen 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).
- (4) (E013) Restrictions and/or positive covenant must be provided over the overland flow path for onsite detention storage areas with appropriate public awareness signage.
- (5) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (6) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.

- (10) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (11) (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 Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (12) (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 or the issue of the Occupation or Subdivision Certificate.
- (13) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (14) (E053) All public works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (15) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (16) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (17) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting

- d. The matching of new infrastructure into existing or future design infrastructure
- (18) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (19) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (20) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. 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.
- (21) (E196) Prior to Occupation Certificate, the below easements shall be registered on all servient tenements (excluding public road reserve) in accordance with Council's AUS-SPEC standards (including Lot 7 DP 876001, Lots 7 and 8 DP 1094444, Lot 102 DP 1134660 if applicable). Evidence that this has been completed shall be submitted to the Principal Certifying Authority for building work and Council's Development Engineering section:
- a) Easement to drain water (or equivalent if accepted by Council's Stormwater section) over the line of any inter-allotment drainage system and/or road drainage system, and
 - b) Easement to drain sewage (or equivalent if accepted by Council's Sewer section) over the line of any sewer rising main.
- (22) (A195) Prior to the issue of a Occupation Certificate, the applicant shall prepare and submit to Council a Landfill Gas Monitoring Plan (LGMP) for all buildings within 250m of deposited waste at the Kingfisher Road landfill. The LGMP shall be prepared by a qualified landfill gas engineer/consultant.

The LGMP shall be developed in accordance with the *Environmental Guidelines: Solid Waste Landfills (EPA NSW 1996)* and identify all buildings and areas as having potential to have methane concentrations of greater than 1.25% (v/v) [12,500 ppm].

The LGMP shall identify all buildings and areas to be monitored with a calibrated methane detector. The frequency of monitoring shall be no less than on a monthly basis and shall continue for no less than 12 months from occupancy or until Council advises that monitoring may cease.

The LGMP shall identify the method of monitoring including the installation of fixed landfill gas detection monitors within all buildings prior to occupation. Alternatively the monthly monitoring may be carried out prior and during occupation, by a suitably qualified consultant. The method of monitoring shall be approved by Council prior to the issue of the Construction Certificate.

The LGMP shall include an Emergency Action Plan that must outline the actions to be taken should landfill gas be detected above 1.25% (v/v) [12,500 ppm].

- (23) (A196) Prior to the issue of an Occupation Certificate, the applicant shall prepare plans detailing waste management on site. The plans shall detail an allocated area inside each residential building block for general waste (garbage), recycling and food & organic receptacles.

Internal waste areas shall have a minimum capacity of one (1) days storage for general waste (garbage), recycling and food & organic waste. Each internal waste storage area shall be based on each occupant generating a minimum of 20 litres of general waste, 20 litres of recycling and 20 litres of food & organic waste per week.

The plans shall also show external waste storage areas provided within the property boundary for storing general waste, recycling and food & organics bins collected from all residential building blocks.

The external waste storage areas shall allow for an 8m rigid waste collection vehicle to access the site and a private waste collection agreement is to be in place for the collection of all waste from the site.

- (24) Prior to release of the Occupation Certificate, an 88b restriction is to be placed on the title of the property and all contracts for sale shall reference this restriction. Evidence of registration of the restriction is to be provided to Council prior to issue of the first Occupation Certificate.

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- Residents are restricted to persons attending or enrolled at a local educational establishment.
- Maximum occupancy for each unit is one person.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F009) All essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F011) Each required fire-isolated exit shall have displayed in a conspicuous position adjacent to each access doorway, a notice in accordance with the Environmental Planning and Assessment Regulation 2000.
- (6) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F195) During Occupation of the site, landfill gas monitoring shall be undertaken on a monthly basis in accordance with the approved Landfill Gas

Monitoring Plan (LGMP) for all buildings within 250m of deposited waste at the Kingfisher Road landfill.

- (9) During Occupation of the site, waste management signage shall be posted in all communal collection and waste storage areas. The waste management signage shall detail how to use the waste management system and what materials are acceptable in the recycling and food & organic waste streams.

All internal and external waste receptacles shall be clearly labelled to identify what materials are acceptable in each bin.