

**Waifap Superannuation Fund  
DA 2015/099 — 127 Lot Subdivision**

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## **DETAILS OF CONDITIONS**

### **GENERAL CONDITIONS OF THIS CONSENT**

#### **Development is to be in accordance with approved plans**

1. The development is to be implemented in accordance with the plans endorsed with the Council stamp, dated TBC, and set out in the following table except where modified by any conditions of this consent.

<b>Plan Title</b>	<b>Dwg No</b>	<b>Amendment No</b>	<b>Prepared by</b>	<b>Dated</b>
Detailed Lot Layout	91111-DA-203	G	De Groot & Benson	Jan 2012
Bulk Earthworks Plan	91111-DA-202	G	De Groot & Benson	Feb 2012
Detailed Lot Layout	91111-DA-208	G	De Groot & Benson	Oct 2016
Stormwater Drainage Plan	91111-DA-205	G	De Groot & Benson	Feb 2012
Bio Retention Basin & Bypass Swale Details	91111-DA-210	C	De Groot & Benson	Feb 2012

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

#### **Modified Development**

2. The development the subject of the development application is modified as follows:
- i. Unless a BioBanking Statement for the biodiversity impacts of the proposal on *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast bioregion Endangered Ecological Community (SSF EEC)* as identified in the report prepared by Idyll Spaces Environmental Consultants, dated 4 October 2016 is obtained from the NSW Office of Environment and Heritage; proposed lots 11-15 are not approved as part of this development consent and must be consolidated with lot 10.

Despite any other condition of this consent; should the above mentioned BioBanking Statement not be obtained:

- The fire trail and stormwater infrastructure must be located to avoid the SSF EEC. They are to be connected between Road 1 and the 'Bellwood Playing Fields' (Lot 76 DP 832082) via former lot 11.
  - The fire trail within former lot 11 must commence on the edge of the area mapped as SSF EEC.
  - The area mapped as SSF EEC must not be managed as an inner protection area.
- ii. The 16m wide public access between lots 107 and 108 and the subject lands western boundary is to be consolidated with lot 107 to form a battle-axe handle and a right of carriageway benefiting Council and the NSW Rural Fire Service. The width of the battle-axe handle can be reduced to a minimum of 6m.

### **THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **Sewerage and Water Mains**

3. An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works involving connections to Council's existing water and sewer infrastructure. Sewerage and water mains are to be extended to service all residential allotments in the subdivision.

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*Advice: This application must include payment of \$155 for the installation of a water meter to each lot. This figure is subject to adjustment in accordance with Councils Schedule of Fees and Charges.*

Engineering plans of the proposed water and sewer works shall be submitted for Council's approval prior to the issue of the Construction Certificate. These plans must include the following:

### Water supply

Water supply pipelines shall generally be located on the opposite side of the road to sewer mains wherever possible.

Calculations shall be provided confirming that pipes are adequately sized to suit the entire development prior to the issue of the Construction Certificate.

Water supply pipelines shall be constructed for the development site in accordance with Council Water Supply construction specification and the requirements of Council's Manager Water and Sewer.

### Sewerage infrastructure

Sewerage infrastructure shall be located within public land wherever possible. Where sewer lines are located in private land a 3m easement shall be provided with the pipe located centrally within the easement.

Sewerage infrastructure shall be constructed for the development site in accordance with the Council Sewerage Construction Specification and the requirements of Council's Manager Water and Sewer.

## **Sewage PS upgrade strategy**

4. Prior to the issue of a Construction Certificate the applicant shall engage a qualified practicing Civil Engineer to provide a detailed strategy report on the provision of sewerage infrastructure to cater for the staged development of the site.

The preferred strategy shall include the upgrade of the existing Pump Station 15 and the redirection of all sewerage generated from this catchment north through the Alexander Drive development (DA2012/011) to eventually be pumped from a proposed new pump station in that subdivision to Pump Station 4 in Centenary Parade.

Should the applicant wish to proceed with development independent of DA2012/011 alternative proposals may be considered however the approval of any such proposal shall be at the discretion of Council's Manager Water and Sewerage. Should the alternative proposal require the upgrading of any existing Council sewerage infrastructure as a consequence of catering for flows from this development all the associated costs shall be borne by the applicant. This will involve the costs for the upgrade of existing gravity mains into which Pump Station 15 currently discharges, the Upgrade of Existing Pump Station 13 and Rising main 13 and the upgrade of gravity mains downstream of Rising Main 13 including the piered crossing of Bellwood Creek

Any alternative proposal to use existing Council infrastructure will require upgrade works to be undertaken alternative to cater for flows from this development and all the associated costs shall be borne by the applicant. This will involve the costs for the upgrade of existing gravity mains into which Pump Station 15 currently discharges, the upgrade of existing Pump Station 13 and Rising Main 13 and the upgrade of gravity mains downstream of Rising Main 13 including the piered crossing of Bellwood Creek

## **Road Safety Audit**

5. Prior to the issue of a construction certificate, a road safety audit of Marshall Way and Spring Street must be submitted to and approved by Council which:
  - a) Recommends a Local Area Traffic Management (LATM) Scheme for Marshall Way including a minimum of 4 traffic calming devices, line marking and signage improvements that are suitable for a collector road (on a bus route) that extends through an urban environment and that

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complies with Austroads Guide to Traffic Management Part 8 - Local Area Traffic Management and Austroads Intersection at Grade.

- b) Recommends intersection designs at the entry to the retirement villages.
- c) Generates designs for council approval and community consultation.
- d) Recommends timing and staging for implementation of the LATM scheme

The road safety audit must be undertaken by an independent Traffic Engineer, with all costs involved with the preparation of the audit and the implementation of the required works being the responsibility of the developer.

**Engineering Construction Plans**

6. Three (3) copies of engineering construction plans and specifications must accompany the Construction Certificate application. Such plans are to provide for the works in the following table in accordance with Council's current Design and Construction Manuals and Specifications.

Required work	Specification of work
<b>Street Name Signs</b>	Street name signs and posts to all proposed new roads. <i>(Note: street/road names proposed for the subdivision must be submitted for Council approval 20 weeks prior to lodgement of the Subdivision Certificate application. A suitable name for any new road/s must be in accordance with Council's adopted policy).</i>
<b>Kerb &amp; Gutter, Road Shoulder Construction</b>	<p>Full width road, kerb and gutter, road shoulder and associated drainage construction for all proposed roads on the approved plan.</p> <p>Local Roads must be 7-7.5 m wide, collector roads 8m wide within a 16m road reserve (min).</p> <p>Footpath formation and turfing including any necessary relocation of services across the frontage of the subdivision.</p> <p>Verges shall have a crossfall and width sufficient to accommodate and maintain; footpaths, landscaping, provision for utilities and services and provide compliant access grades to properties.</p> <p>The section of Spring Street within proposed lot 62 must be designed so that all Yellow-bellied glider feed trees within lot 62 as illustrated within figure 8 of the 'Statutory Ecological Assessment', prepared by Naturecall Environmental, dated October 2016 must be retained. Evidence of compliance must be illustrated on the design plans submitted as part of the construction certificate application and marked on site prior to the commencement of works.</p> <p><u>Subdivision stages</u></p> <ul style="list-style-type: none"> <li>• Details shall be submitted for council approval detailing the connection treatment of road pavements and seals to existing roads and between stages of construction works.</li> <li>• 13m radius temporary turning circle with guideposts required at the end of each stage of road construction.</li> </ul>
<b>Stormwater Drainage</b>	Stormwater Drainage systems shall minimise runoff, and where possible accommodate runoff within the site. Flows shall be conveyed through stormwater pipes and treated at the end of line with a suitable device such as a constructed bio-retention basin. Detailed calculations shall be provided confirming that pipes are adequately sized to suit the entire development, with energy dissipating measures implemented to protect the integrity of the basin from upstream flows. Stormwater quality must be suitable for discharge into the adjacent creeks in accordance with Managing Urban Stormwater - Soils and Construction Vol. 1, 4th Edition

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Required work	Specification of work
	<p>prepared by Landcom.</p> <p>The redirected swale through Bellwood Fields shall have a reinforced concrete dish drain at the invert where grades are less than 1%. The remaining swale batters shall be densely planted with native grasses such as Lomandra.</p>
<b>Traffic Control Devices</b>	Regulatory and warning signs and posts, pavement markings and other devices where required for proposed new roads in accordance with the requirements of AS 1742.2 -2009 Traffic control devices for general use and Austroads Guide to Traffic Management series.
<b>Traffic Calming</b>	Traffic Calming measures to encourage a low speed environment throughout the subdivision. Details to be submitted to and approved by council.
<b>Road Safety Audit</b>	All works recommended in the road safety audit and approved by Council.
<b>Footpath Construction</b>	A 1.2 metre wide concrete footpath on at least one side of the local roads and 2.0m at least one side of collector roads, offset from the kerb line at least 500mm and to connect to the existing path within Marshall Way and to the adjoining Farrington Fields (Lot 76 DP 832082) through the proposed public walkway between lots 8 and 9. The 500mm gap must be turfed.
<b>Service Conduits</b>	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
<b>Street Lighting</b>	Street lighting must be provided to the requirements of the appropriate energy authority and approved by Council prior to installation. All lights must be LED or other energy efficient light approved by Council. Street lighting is to be excluded from the road within Lot 62.
<b>Stripping and Stockpiling</b>	Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.
<b>Inter-allotment Drainage</b>	Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments where it is not possible to provide a gravity connection of future roofwater and hard stand areas to the kerb and gutter.
<b>Closure of Bellwood Road</b>	Permanently close the existing track within the Bellwood Road reserve between the end of the existing bitumen seal (rear of former Lot 88) and the Nambucca State Forest and separate tracks leading to it, with durable fencing and gates (where appropriate) at the ends of the respective sections of track to the satisfaction of Council.
<b>Fire trail</b>	Fire trails are to be constructed in accordance with the requirements of this consent. Plans of the fire trails must be submitted to Council for approval.
<b>Fencing of Asset Protection Zone</b>	Permanent rural style (plain wire) fencing of the asset protection zone (APZ) required by this consent to the south of lots 92-107. A plan of the APZ must be submitted to Council.
<b>Boundary Fencing</b>	<p>The common boundary of lots 92-106 and lot 107 and the adjoining public reserve (Lot 23 DP 790194) must be fenced with a continuous 1.8m high colourbond fence which must not contain any gates.</p> <p>The common boundary of lots 1-11 and the adjoining public reserve (Lot 76 DP 832082) must be fenced with a continuous 1.8m high colourbond fence.</p> <p>The colour of both fences must be a muted colour which is consistent with the surrounding landscape. Details of the selected</p>

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Required work	Specification of work
	colour must be approved by Council.
<b>Access handle construction</b>	A three (3) metre wide reinforced concrete driveway (or equivalent), within the access handle of proposed Lot(s) 107 from the proposed internal road to the boundary of the adjoining public reserve (Lot 23 DP 790194).
<b>Access to State Forest</b>	Suitable fencing is to be provided to restrict vehicular access from the subject land to the adjoining State Forest. A 4m wide lockable gate and sealed entrance off the proposed internal road is to be provided for access to the State Forest during emergencies.
<b>Piping of Watercourse</b>	Any watercourse traversing the subject land must be piped to suit a 1 in 20 year storm event. An overland flow path is to be provided above the constructed pipeline to accommodate the pipe exceedance for all storm events, up to and including the 1 in 100 year storm event.
<b>Stormwater Outlets</b>	An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.
<b>Stormwater Quality</b>	Stormwater quality must be suitable for discharge in accordance with Department of Land and Water Conservation NSW (1998) <i>The Constructed Wetlands Manual</i> and Landcom (March 2004), <i>Managing Urban Stormwater, Soils and Construction</i> .
<b>Access to Stormwater Structures</b>	An all-weather gravel vehicle access must provided to detention ponds, drainage discharge points, filter controls and wetland areas for access by Council for maintenance purposes.

### Traffic Control Plan

7. The plans and specifications to accompany the Construction Certificate application are to include a traffic control plan to indicate the measures to be employed to control traffic during construction of the subdivision. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual (1998), *Traffic Control at Work Sites*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

### Street Tree Planting Scheme

8. The plans and specifications to accompany the Construction Certificate application are to include a street tree planting scheme which has been prepared in accordance with the requirements of Council's Policy.

The Plan must show all services. Plants to be used in the street tree planting scheme must:

- a be a minimum size of 2 metres in height,
- b have a 50mm calliper diameter,
- c be sourced from at least a 25 litre container,
- d be protected by a suitable tree guard (eg a 750mm square tree guard made from a 3m "Acacia" panel painted "Caulfield Green"),
- e be suitably supported by two 2100mm black star picket posts,
- f provided with slow release fertiliser,
- g include the provision of 125mm flexible agricultural pipe filled with 14mm blue metal for watering of the plant, and
- h be mulched with 100mm of native tree mulch.

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**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY SUBDIVISION  
WORKS COMMENCING**

**Construction Certificate**

9. Subdivision work the subject of this development consent **MUST NOT** be commenced until:
- (a) A construction certificate for the subdivision work has been issued by council or an accredited certifier, and
  - (b) The person having the benefit of the development consent has appointed a principal certifying authority for the subdivision work, and
  - (c) The person having the benefit of the development consent has given Council written notice, at least two days prior to work commencing on site, of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Consent required for works within the road reserve**

10. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993.

**Environmental Management Plan**

11. Prior to the commencement of works, a comprehensive Environmental Management Plan (EMP) must be submitted to and approved by Council. The EMP must include the following components as a minimum:
- i. An erosion and sediment control plan designed in accordance with the requirements of the *Landcom (March 2004), Managing Urban Stormwater, Soils and Construction* which addresses:
    - General site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.
    - Installation of erosion and sediment control measures prior to construction.
    - Regular inspection of erosion and sediment control measures, particularly following rainfall events, to ensure their ongoing functionality.
    - Restriction of stockpiles to identified construction compounds, in areas of cleared land and exotic grassland and management of these stockpiles to ensure no offsite impacts through dust generation or sedimentation.
    - Areas of bare ground to be stabilised as soon as practicable after construction to minimise the time bare earth is exposed to erosion and weed invasion.
  - ii. A vegetation management plan, including:
    - An accurate to scale tree plan showing the trees to be removed and those to be retained as part of the creation of the Asset Protection Zone (APZ) required as part of this consent within the adjoining public reserve (Lot 23 DP 790194) and the Bellwood Road reserve. Trees to be retained are to be clearly identified on site by distinctive temporary taping. Only the minimum extent of clearing necessary to create the APZ will be permitted. In this regard, at least 14% of the tree canopy cover within the inner protection area and 29% in the outer protection area is to be retained.
    - Protection of all Yellow-bellied glider feed trees within lot 62 as illustrated within figure 8 of the 'Statutory Ecological Assessment', prepared by Naturecall Environmental, dated October 2016.
    - Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protection these habitats during construction.
    - Hygiene procedures to prevent the introduction and spread of pathogens such as Phytophthora and Myrtle Rust in areas of native vegetation. These would include exclusion zones around retained areas of native vegetation and/or provision of machine and

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footwear wash-down stations for all equipment and personnel working in areas of native vegetation.

- iii. A weed management plan, including a description of:
  - Type and location of weeds of concern (including noxious weeds) within the subject site.
  - Sensitive receivers (such as native vegetation, drainage lines and waterways) within or adjacent to the subject site.
  - Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
  - Proposed weed control methods and targeted areas.
  - Weed disposal protocols.
- iv. A fauna management plan, including, but not limited to the following:
  - A fauna management protocol, including pre-clearing surveys for nesting or roosting terrestrial fauna.
  - A habitat feature protocol, including pre-clearing surveys for habitat features such as hollow logs and hollow-bearing trees that can be retained or salvaged and placed in adjoining retained vegetation, and protocols for the safe clearing of hollow-bearing trees to ensure no resident fauna are injured.
  - Protocols to prevent introduction or spread of chytrid fungus in accordance with the NSW Office of Environment & Heritage hygiene protocol for the control of disease in frogs.
  - Careful removal and relocation of hollow resources cleared from the subject site into proximate areas.
  - Careful removal of all termitaria (which have been observed on site), given their potential use by fauna, including gliders, possums and/or microchiropteran bats.
- v. A pre-clearing protocol which should include, but not be limited to:
  - Clear marking/erection of exclusion fencing around protected vegetation areas and delineation of 'no go' areas.
  - Inspections of native vegetation for other resident fauna and/or nests or other signs of fauna occupancy.
  - Capture and relocation or captive rearing of less mobile fauna (such as roosting microbats, nestling birds or any injured fauna) by a trained and experienced wildlife handler and with assistance from WIRES (or similar).
  - Inspection and identification/marketing of hollow-bearing trees adjacent to construction footprints to help ensure against accidental impacts.
  - Pre-clearing surveys are to be undertaken by suitably qualified and experienced ecologists.

**Erection of Signs**

- 12. A sign must be erected on site in a prominent position containing the information prescribed by Clause 98A (2) of the Environmental Planning & Assessment Regulation 2000 being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.

**Public Liability Insurance**

- 13. The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council is to be nominated as an interested party on the policy. The public liability insurance cover is to be maintained for the duration of the period of the works and during any maintenance period.

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**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING SUBDIVISION WORKS**

**Discovery of a Relic**

14. The development is to proceed with caution. If any Aboriginal objects are found, works are to stop and the NSW Office of Environment and Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and OEH are to be notified.

**Environmental Management Plan**

15. An Environmental Management Plan approved by Council in accordance with this consent must be implemented before and during subdivision works.

**Maintenance of sediment and erosion control measures**

16. Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**Electricity Works**

17. All electrical reticulation works must comply with Essential Energy's Design and Construction Standards.

**Builders rubbish to be contained on site**

18. All construction rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**Inspection of Public Works**

19. All subdivision works 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. You must quote your construction certificate number and property description to book your inspection.
- i at completion of installation of erosion control measures;
  - j at completion of installation of traffic management works;
  - k when the sub-grade is exposed and prior to placing of pavement materials;
  - l when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - m at the completion of each pavement (sub base/base) layer;
  - n before pouring of concrete for kerb and guttering;
  - o prior to the pouring of concrete for sewerage works;
  - p on completion of road gravelling or pavement;
  - q during construction of sewer and water infrastructure and prior to back filling;
  - r prior to sealing and laying of pavement surface course.

All works at each hold point are to be certified as compliant, in accordance with Council's current Design and Construction Manuals and Specifications, prior to proceeding to the next hold point. Council will undertake random audits of work sites to verify compliance of public works as required.

**Landscaping Inspection**

20. Prior to the commencement of planting as required by this consent; the works must be inspected by Council. Please contact Councils Engineering Services Department on 65682555 to arrange the inspection.

*Advice: Council will not accept plantings which have been undertaken without being inspected by Council.*

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**Council Specification**

21. All works are to be constructed to at least the minimum requirements of Council's Adopted Engineering Standard.

**Approved Plans to remain on site**

22. A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

**Construction times**

23. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on residential premises, can only occur:
- Monday to Friday, 7.00 am to 6.00 pm.
  - Saturday, 8.00 am to 1.00 pm.
  - No construction work to take place on Sundays or Public Holidays.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**

**Plan of Subdivision**

24. 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. Two (2) copies of the plan of subdivision are to be submitted with the application for a subdivision certificate.

**Plan of Subdivision and Section 88B Instrument requirements**

25. A Section 88B Instrument and 1 copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

<b>Item for inclusion in Plan of Subdivision and/or Section 88B Instrument</b>	<b>Details of Item</b>
<b>Dedicated Public Road Access</b>	Dedication of suitable public road accesses to all proposed allotments.
<b>Dedicated Public Pathway</b>	Dedication of the proposed pathway between lots 8 & 9 to the public.
<b>Dedicated Corner Splays</b>	Dedication of 7.5m corner splays at all street junctions and intersections.
<b>Inter-allotment Drainage Easements</b>	The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments.
<b>Drainage Reserve</b>	The dedication of a drainage reserve over the drainage treatment devices and constructed access.
<b>Sewer Easements</b>	The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.
<b>Restriction on Location of Dwellings</b>	A restriction on the use of land of lots 92-106 and lot 107 restricting the erection of a dwelling within: <ul style="list-style-type: none"> <li>• 12m of the south/south-western boundaries of Lots 92-106, and</li> <li>• 5m of the southern boundary of Lot 107.</li> </ul>
<b>Asset Protection Zone</b>	A positive covenant requiring all lots approved by this consent (excluding lot

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Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
	62) to be maintained as an inner protection area as outlined within Section 4.1.3 and Appendix 5 of <i>Planning for Bushfire Protection 2006</i> and the NSW Rural Fire Services document <i>Standards for Asset Protection Zones</i> , or any updated publication by the NSW Rural Fire Service.
<b>Prohibiting Access</b>	The common boundary of lots 92-106 and lot 107 and the adjoining public reserve (Lot 23 DP 790194) must be fenced with a continuous 1.8m high colourbond fence which must not contain any gates.
<b>Fences</b>	The common boundary of lots 1-10 and the adjoining public reserve (Lot 76 DP 832082) must be fenced with a continuous 1.8m high colourbond fence and be of a colour approved by Council prior to the issue of the subdivision certificate for the subject development.
<b>Right of Carriageway</b>	Creation of a right of carriageway benefiting Council and the NSW Rural Fire Service over the access handle of lot 107 from the proposed internal road to the boundary of the adjoining public reserve (Lot 23 DP 790194).
<b>Aboriginal Culture</b>	Provide a warning to persons of Aboriginal descent that the land is within the hearing range of a “bullroarer” from the “Diamond Tree” site which may have impacts on the health of females and children.

#### **Completion of All Works**

26. All works specified in this development consent and associated construction certificate must be completed prior to the issue of a subdivision certificate. In the event lots are released in stages, works relating to those lots must be completed to the satisfaction of Council.

#### **Erection of Street Signs**

27. The subdivider is to supply and erect street signs for the approved street names in accordance with this development consent and the Construction Certificate approval.

#### **Certificates for Engineering Works**

28. The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council’s Adopted Engineering Standard.

#### **Works-As-Executed Plans**

29. Works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, are to be submitted with the application for a subdivision certificate. Where the design is carried out utilising computer aided design CAD, all cad computer files are required to be provided on CD (Compact Disc) with the final drawings. The CAD files must include all lot and road boundaries, lot numbers and easements. The data is to be supplied in accordance with the requirements of Council’s GIS Officer.

#### **Certificate for Pipes, Access Driveways, etc. Within Easements**

30. A certificate from a registered surveyor is to be submitted to Council certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

#### **Electricity Supply Certificate**

31. Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.

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**Telephone Supply Certificate**

32. Written evidence from Telstra is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground telephone supply throughout the subdivision.

**Maintenance Bond**

33. A maintenance bond of 10% of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months and will commence from the date of issue of the final Compliance Certificate. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

**Landscaping**

34. All landscaping works specified in this consent must be completed and a maintenance bond of 10% of the value of the works lodged with Council. A copy of the contract costs of the landscaping works is to be submitted with the bond. The maintenance period is 6 months and will commence from the date Council certifies the works have been completed.

**Contribution to be paid towards provision or improvement of amenities or services**

35. Contributions set out in the following Schedule are to be paid to Council. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

**Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979**

Section 94 Plan	Unit type	No of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Local Roads & Traffic Infrastructure	Lot	121	\$3,974.00	\$480,854.00	June 2017
Surf Life Saving Equipment	Lot	121	\$114.00	\$13,794.00	June 2017
Section 94 Administration Charge	10% of the above contributions			\$49,464.80	June 2017
<b>TOTAL</b>				<b>\$544,112.80</b>	<b>June 2017</b>

**Contributions and Certificate of Compliance**

36. Prior to the issue of a subdivision certificate the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000. To be eligible, the developer/consent holder will have to pay the contributions set out in the following table to Council.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

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Public service	No of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	121	\$12,782.00	\$1,546,622.00	June 2017
Sewer	121	\$9,656.00	\$1,168,376.00	June 2017
<b>TOTAL</b>			<b>\$2,714,998.00</b>	<b>June 2017</b>

**Bushfire Protection**

37. In accordance with Section 91 of the *Environmental Planning and Assessment Act 1979* the following conditions are required to be consistent with the General Terms of Approval issued by the Rural Fire Service under section 100B of the *Rural Fires Act 1997*:

Asset Protection Zones

- i. At the issue of the subdivision certificate for each stage and in perpetuity, the entire area of the new residential lots (other than Lot 62) shall be managed as an inner protection area (IPA) 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'.
- ii. At the issue of the subdivision certificate for each stage the residue lot (other than Lot 62 - deferred area) shall be managed as follows:
  - a 21 metre wide area around the perimeter of the released stages shall be managed as an inner protection area (IPA) 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'; and
  - The remainder of the residue lot shall be managed as an outer protection area (OPA) 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'.
- iii. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on Lot 76 DP 832082 requiring the provision of a 21 metre wide asset protection zone (APZ) along the northern boundary of the proposed development. The APZ shall be managed as an inner protection area (IPA) 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'.
- iv. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the western portion of proposed Lots 15,29-36 and 107-108, measured 33 metres from the western boundary of Lot 1 DP 1119830, prohibiting the construction of a dwelling or Class 10 building within 10m of a dwelling on the subject lots.
- v. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over Lot 23 DP 790194, Bellwood Road Reserve and part of proposed Lots 92 - 106 and Lot 107 requiring the provision of a 42 metre wide asset protection zone (APZ) along the southern boundary of the proposed development. The encroachment of the APZ within the rear of Lots 92-106 shall be 12m and 5m within the rear Lot 107. The APZ shall be managed as an inner protection area (IPA) 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'. The restriction to use over proposed Lots 92-106 and Lot 107 shall also prohibit the construction a dwelling or Class 10 building within 10m of a dwelling within the subject area.
- vi. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lot 62 (deferred area) requiring the provision of asset protection zones as follows:

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- A 21 metre wide area to the south and east of proposed Lot 61, to the east and south-east of proposed Lot 85 and to the east of proposed Lot 92 shall be managed as an inner protection area (IPA) 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'; and
- A 42 metre wide area to the south of proposed Lots 81-85 shall be managed as an inner protection area (IPA) 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'; and
- The full width of the public road reserves within the proposed development (excluding Bellwood Road) shall be managed as an inner protection area (IPA) 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'.

Water and Utilities

- vii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

- viii. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- ix. A temporary 12 metre outer radius turning circle shall be provided at the termination of public roads within the staged release of the development.
- x. The access handle to proposed Lots 55 and 107 shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.
- xi. A fire trail shall be constructed and maintained over Lot 76 DP 832082 for the full length of the proposed subdivision in accordance with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'. The fire trail shall be located on the northern side of the proposed drainage swale and shall extend from Marshall Way to Road 1 (to the west of proposed Lot 15).
- xii. A fire trail shall be constructed and maintained over Lot 23 DP 790194 and/or the Bellwood Road reserve from the western end of Bellwood Road (bitumen formation) to the proposed extension of Spring St (to the west of Lot 107) in accordance with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'. The fire trail must not be located outside the APZ required by this consent except for its connection east of lot 92 to Bellwood Road.

Landscaping

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

**Revegetation of Bellwood Road**

38. Any disturbed areas within the closed section of the Bellwood Road reserve that fall outside the APZ required by this consent must be revegetated with native species to the satisfaction of Council. Yellow-bellied glider sap trees must be used in the revegetation of the area.

**Record of Infrastructure**

39. A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council.

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**REASONS FOR CONDITIONS**

- To ensure that the proposed development:
  - (a) achieves the objectives of the *Environmental Planning and Assessment Act 1979*;
  - (b) complies with the provisions of all relevant Environmental Planning Instruments;
  - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979* and Section 64 of the *Local Government Act 1993*.
- To ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- To minimise any potential adverse environmental, social or economic impacts of the proposed development.
- To ensure that all traffic, car parking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.

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**OTHER APPROVALS**

**The following Section 68 Approvals  
have been issued with this consent:** Nil

**Integrated Development:** Yes – 100B of the Rural Fires Act 1997

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