

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Port Macquarie-Hastings Council on Wednesday 17 February 2016 at 10:30 am

Panel Members: Garry West (chair), Pamela Westing, John Griffin, Paul Drake and Matt Rogers

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015NTH024 Port Macquarie-Hastings DA2015-834.1 [at Blackbutt Drive, Wauchope] as described in Schedule 1.

Date of determination: 17 February 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, 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:

Sepp 55 – Following remedial works in 2013 a contamination validation report was undertaken and it concluded the site had been successfully remediated and is suitable for the intended residential use.

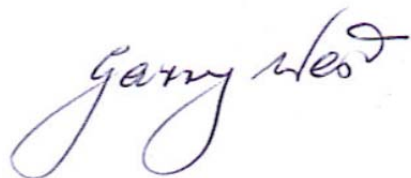
SEPP 44 – The site does not constitute potential koala habitat.

The panel adopted the assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the site for the proposed development is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. Condition B4 was deleted as it was unnecessary; B21 was amended to clarify staging; B24 was amended to require waste collection to include dry recyclables and organic waste; E4 was amended to allow flexibility of the finished surface. Approved conditions are in Schedule 2.

Panel members:



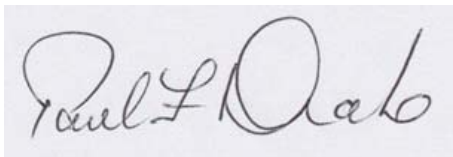
Garry West (chair)



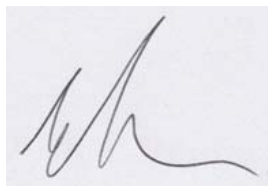
John Griffin



Pamela Westing



Paul Drake



Matt Rogers

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015NTH024 Port Macquarie-Hastings DA2015-834.1
2	Proposed development: Staged multi-dwelling housing (45x3 bedroom dwellings) with a combination of Torrens and Strata Title Subdivision
3	Street address: Lot 11 DP 828300, Blackbutt Drive, Wauchope
4	Applicant: Blue Print Planning Consultants
5	Type of Regional development: Development which has a capital investment value of more than \$5 million and Port Macquarie-Hastings Council is the owner of the land to which the development is proposed to be carried out
6	Relevant mandatory considerations • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Macquarie-Hastings Local Environmental Plan 2011 • Port Macquarie-Hastings Development Control Plan 2013 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 2 February 2016 Written submissions during public exhibition: none (0) Written submission by the Applicant dated 8 February 2016 Council assessment & response to Applicant of 8 February 2016 Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- None
8	Meetings and site inspections by the panel: Site Visit on 17 February 2016
9	Council recommendation: Approval
10	Draft conditions: Attached to Council Assessment Report

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SCHEDULE 1

DA NO: 2015/834

DATE: 17/02/2016

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	Lot 11 DP 828300	Blueprint Planning Consultants	November 2015
Development Plans	Drawing No 9239 Sheets 2, 9 to 19	Beukers & Ritter Consulting	14 November 2015
Draft Strata & Torrens Subdivision Plans	Drawing No 9239 Sheets 5 to 7	Beukers & Ritter Consulting	14 November 2015
BASIX Certificates	682374M 682420M	Concept Designs Australia	16 November 2015
Bushfire Assessment	BA-2015-3108-100B	FloraFauna Consulting	16 November 2015
Traffic Noise Impact Assessment	630.11481	SLR Consulting	18 November 2015
Koala Habitat Assessment	EA-2015-3108	FloraFauna Consulting	16 November 2015
Traffic Impact Assessment	Residential Development Blackbutt Drive	Streetwise Road Safety & Traffic Services Pty Ltd	15 November 2015
Validation Report	12071	Mitchell Hanlon Consulting	3 July 2013

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

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- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - 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) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (5) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1: Construction of units 1 to 11 on proposed Lot 1, Two lot Torrens title subdivision, Strata subdivision of Units 1 to 11.
 - Stage 2: Construction of units 1 to 10 on proposed Lot 2, Strata subdivision of units 1 to 10.
 - Stage 3: Construction of units 11 to 23 on proposed Lot 2, Strata subdivision of units 11 to 23.
 - Stage 4: Construction of units 24 to 34 on proposed Lot 2, Strata subdivision of units 24 to 34.

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.

- (6) (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.
- (7) (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

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The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (8) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (9) (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 D15/3702 DA15112799633 DC and dated 15 January 2016, are attached and form part of this consent.
- (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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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- (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. Earthworks.
 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 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.
 5. Retaining walls.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.
 8. 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
 9. Traffic management control plan.
 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 frontages of the property for both High Street and Blackbutt Drive.
- (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

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- Hoardings
- Concrete foot paving (width)
- 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) Deleted.
- (5) (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.

- (6) (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 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
- (7) (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.
- (8) (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.

- (9) (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.
- (10) (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.
- (11) (B072) 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) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
- In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) from Hollis Street to Blackbutt Drive, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.
- The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- 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 to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable)

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e.g. for building phase when a staged construction methodology is adopted) and ultimate design.

- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - i) The road drainage pipe traversing the site shall be sized to convey up to the 1 in 20 year ARI flows underground without surcharging.
- (12) (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.
 - (13) (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.
 - (14) (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.
 - (15) (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.
 - (16) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
 - (17) (B195) Council records indicate that the proposed development site does not currently have a water service. There is a 300mm PVC water main on the same side of High Street, a 200mm non compatible PVC water main on opposite side of Blackbutt Drive and a 100mm AC water main at the south end of Hollis Street. Each unit will require the provision of an easily accessible internal metered water service with a separate master meter for each Torrens titled lot located at the boundary. The 100mm AC water main in Hollis Street may require replacing in DICL.
 - (18) (B196) Final water service sizing 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.
 - (19) (B197) Council records indicate that the development site is connected to sewer via a sideline junction to the sewer main that runs along the northern property boundary. A sewer line extension along the southern boundary is required to service proposed Lot 2 with an individual sewer junction. The proposed sewer reticulation strategy is acceptable given that adequate grades are possible in accordance with Port Macquarie-Hastings Council Gravity Sewerage Main Grading Chart. The engineering plans are also required to certify that no additional loads will be placed on existing or proposed sewer infrastructure.
 - (20) (B198) The existing 200 PVC sewer rising main is to be accurately plotted on the engineering plans and adequate clearances are to be provided.
 - (21) (B199) Design of a pedestrian refuge on Blackbutt Drive, kerb ramps and any required road line marking and signage to provide a route from the proposed footpath along the frontage of the site, to a bus stop on the south side of the

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road. Additional foot paving on the south side of the road is not required. Details shall be provided as part of any Roads Act (s138) application with acceptance of completed works by Council to occur prior to the Torrens Title Subdivision Certificate for stage 1.

- (22) A detailed landscape plan is to be provided to the Certifying Authority that details the location, size and species of the 29 offset tree plantings on the site. The replant trees shall meet NATSPEC standards. The replant trees shall be native species, representative of the species being removed and comprise a minimum of 8 Tallowood (*Eucalyptus microcorys*).
- (23) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of any proposed retaining walls over 1m in height is to be submitted to the Certifying Authority prior to the release of the Construction Certificate.
- (24) Prior to the issue of Construction Certificate, evidence shall be provided to the Certifying Authority that satisfactory arrangements are in place for collection of waste from the premises including segregation of dry recyclables and organic wastes by a private waste contractor.

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) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (3) (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

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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 trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- e. prior to the pouring of concrete for sewerage works and/or works on public property;

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) (D004) Survey marks, including permanent survey marks and reference marks, shall be retained, undamaged, and not relocated. Failure to comply with this condition may also be an offence under Section 24(1) of the Surveying and Spatial Information Act (2002).
- (3) (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.
- (4) (D040) Felled trees shall not be disposed of by burning onsite and shall either be mulched or disposed of via an approved waste disposal facility.
- (5) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.
- (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.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION/SUBDIVISION 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) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with a bitumen sealed or concrete 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).

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- (5) (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.
- (6) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (7) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision 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.
- (8) (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.
- (9) (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.
- (10) (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.
- (11) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (12) (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.
- (13) (E053) All 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.

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- (14) (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.
- (15) (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
- (16) (E068) Prior to the issue of a Subdivision or Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots and/or dwellings/units (including street lighting and fibre optic cabling where required).
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (18) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
 - a. Prohibiting direct vehicular access to and from High Street.
 - b. Restriction as to user in respect of all lots for a private garbage service to be in place requiring the collection of all domestic waste by private contractors.
 - c. Restriction as to user identifying required noise construction categories for affected units as identified within the road traffic noise impact assessment and accompanying table prepared by SLR consulting dated 18 November 2015.

Details are to be submitted to Council prior to issue of the Subdivision Certificate.

- (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) (E196) 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) (E197) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the

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owner(s) with the requirement to maintain the on-site stormwater detention facilities, overland flow path, and quality controls on the property.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, wording to the effect that:

- a. The proprietor of the property shall be responsible for maintaining and keeping clear the overland flowpath traversing the site.
- b. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- c. The Proprietor shall have the OSD and SQID inspected annually by a competent person.
- d. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- e. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD, SQID or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- f. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component, or failure to clean, maintain and repair the OSD, SQID or overland flow path.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (22) (E198) Provision of street lighting at the intersection of High Street and Blackbutt Drive in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. The lights shall be in operation prior to Council's release of the Subdivision Certificate.
- (23) (E199) Removal of the existing road drainage pipe that traverses the land and registration of an easement in favour of Council over the proposed road drainage line from Hollis Street to Blackbutt Drive. The minimum easement width shall be as specified in AUS-SPEC D5 (3m or more).
- (24) (E061) Prior to occupation of issue of any occupation certificate landscaping and compensatory replants shall have been completed. The owner is responsible for caring for and maintaining the trees. If establishment is unsuccessful a new tree of the same species and size shall be planted in a similar location until established.

F - OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (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) (F013) All private waste garbage collection area are is to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.