

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2016/88

DATE: 2/08/2016

## 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 and Appendices (as amended)		King & Campbell Pty Ltd	February 2016
Subdivision Plans	Project 4539P, Drawing No 4539P_Exhibits, Sheet 5 & 6, Revision F	King & Campbell Pty Ltd	15/2/2016 (Sheet 5) & 22/4/2016 (Sheet 6)
Landscape Plan, Fence Detail, Gateway Treatment and Significant Corner Treatment	Project 4539P, Drawing No 4539P_Exhibits & Landscape Plan, Sheets 10-13	King & Campbell Pty Ltd	12/5/2016 (Sheet 10, Revision G), 24/5/2016 (Sheet 11, Revision C), 23/5/2016 (Sheet 12, Revision C) & 23/5/2016 (Sheet 13, Revision C)
Vegetation Management Plan		King & Campbell Pty Ltd	May 2016

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

- (2) (A004) An application 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.
- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1 - Road 3 (constructed in conjunction with the adjoining landowner, Ocean Club Resort), Road 5, Part Roads 2 & 4; and Proposed Lots 1 to 32.
- Stage 2 - Road 6, Part Roads 2 & 4 and Proposed Lots 33 to 61.
- Stage 3 - Road 7, Part Roads 2 & 4; and Proposed Lots 62 to 87.
- Stage 4 - Road 1, Road 8, Part Roads 2 & 4 and Proposed Lots 88 to 128.
- Stage 5 - Proposed Lots 129 to 134.
- Stage 6 - Road 9 and Proposed Lots 135 to 151.

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.

- (4) (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.
- (5) (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. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (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 D16/0586 and dated 4 July 2016, are attached and form part of this consent.

- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. Unless varied by Council staff in writing, footpaths shall be provided to all roads in accordance with ASD103, ASD104 as follows:
- Shareway to Local Road Standards shall require a footpath, 1.2m on one side of the road.
  - Collector Standard shall require at a minimum, footpath 1.2m min on both sides of the road.
  - Collector Standard shall require at a minimum, footpath 1.2m min on one sides of the road and a shareway 2.5m adjoining the future public reserve.
  - A 2.5m shareway shall be provided to Houston Mitchell Drive along the northern side of the existing road
  - A 1.2m footpath shall be provided along Forest Parkway on the eastern side of the road which shall connect with all the internal footpaths of the development.

Details of the footpaths shall be provided with the application for approval pursuant to Construction Certificate Application.

- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the 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.

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (12) (A195) The Developer is to comply with the Sydmart Area 14 Stage 1A Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 between Port Macquarie - Macquarie Hastings Council and Sydmart Pty Limited. The planning agreement, as varied or substituted from time to time, is to be performed in connection with the carrying out of the development the subject of this consent.
- (13) (A196) Unless varied by these conditions of consent, the development is to be carried out in accordance with the approved Vegetation Management Plan and Area 14 Koala Plan of Management.
- (14) (A199) All planting and weed control works, other than the street tree planting detailed in the approved Vegetation Management Plan, are to be carried out by a qualified bush regenerator Cert II CLM equivalent or higher.
- (15) (A200) From the date of development commencement, the developer is to provide a monitoring report every 5 years to Council in accordance with Section 7 of the Area 14 Koala Plan of Management.
- (15) (A197) Eighteen (18) nest boxes are to be erected by a qualified ecologist prior to removal of hollow bearing trees in accordance with the approved Vegetation Management Plan. Location of nest boxes, by way of GPS coordinates, are to be provided to Council within 14 days of erection. Nest boxes to be constructed of ACQ treated pine to a commercial standard.

#### **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. New roads within the subdivision.
  2. Sewerage reticulation.
  3. Water supply 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. Stormwater systems.
  6. Erosion & Sedimentation controls.
  7. Landscaping.

8. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings located along the collector road.

- (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 (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) (B007) Road names proposed for the subdivision shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with Council's adopted policy.
- (5) (B017) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (6) (B019) The local water supply reticulation mains are to loop within the subdivision to minimise dead ends and connect to the existing reticulation wherever possible.
- (7) (B030) Prior to issue of Construction Certificate, 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)
- (8) (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) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.

- b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - c) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - d) 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 e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
  - e) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- (9) (B052) The provision of 3m x 3m splay corners or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.
  - (10) (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.
  - (11) (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.
  - (12) (B086) Prior to issue of a Construction Certificate evidence provided to the satisfaction of the Certifying Authority of an application being made to the electricity and telecommunications service providers. Services are required to be underground.
  - (13) (B195) Prior to issuing the construction certificate, traffic calming devices and signage is to be approved by Council to ensure road speeds are practically limited to 40km/hr for Road 4 adjacent to koala habitat corridors.
  - (14) (B196) Reclaim water is to be provided throughout the subdivision in accordance with Council requirements. Details are to be shown on the engineering plans with the construction certificate. In particular, reclaim water main connections are to be provided on the eastern boundary to the existing 150mm PVC water main and on the southern boundary to the existing 200mm PVC water main. On the north eastern corner, the 100mm reclaimed water main is to extend towards the sewer pump station lot either at a suitable offset to the sewer gravity main or by arrangement with the adjoining land owner. Details are to be shown on the engineering plans.
  - (15) (B197) Council records indicate that the development site is able to be connected to sewer with a new junction to be provided at the collection manhole for the sewer pump station on Lot 35 DP 803801. Details are to be shown on the engineering plans.
  - (16) (B198) The level of all proposed lots that are zoned to allow a dwelling with consent are to be at or above the 1 in 100 year flood level including the applicable climate change allowance plus 500mm freeboard as per the requirements of DP14.1 of the PMH DCP 2013 - Part 5 and the PMH Flood Policy (2015). For the purpose of this requirement, the 1 in 100 year flood level including climate change plus 500mm freeboard may be assumed to be RL4.0m AHD. Prior to release of the Construction Certificate levels satisfying this requirement shall be clearly illustrated on the plans.

- (17) (B199) The level of all roads are to be at or above the 1 in 100 year flood level including the applicable climate change allowance as per the requirements of DP14.1 of the PMH DCP 2013 - Part 5 and the PMH Flood Policy (2015). For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL3.5m AHD. Prior to release of the Construction Certificate levels satisfying this requirement shall be clearly illustrated on the plans.
- (18) (B200) Prior to the release of the construction certificate, the Vegetation Management Plan is to be amended to acknowledge the following changes to Management Unit 1, unless varied in writing by Council:
- 20 tallwoods at 8-10m centres along central spine.
  - 38 Swamp mahoganies at 8m centres 5m off the kerb and no narrow leaf peppermints in this area.
  - Mulching of individual trees 2m radius.
  - Zoysia turf throughout entire area, excluding mulched areas.
  - 200mm x 1.2m domed treated pine bollards installed with H4 around perimeter of area at 750mm high and 1.8m centres.
  - Star pickets to be replaced with 50mm x 50mm wooden stakes.
- (19) (B201) Any vegetated stormwater drainage assets located within Asset Protect Zones as specified within the Bushfire Protection Assessment Report must be landscaped with low maintenance endemic native species that require no regular maintenance for bushfire protection purposes.
- Such landscaping shall be planted at sufficient densities to discourage natural regeneration of tree species.
- A detailed landscaping plan for all vegetated stormwater assets must be submitted to and approved by Council's Transport and Stormwater Network section prior to the issue of a Construction Certificate.
- (20) (B202) All Asset Protect Zones (APZs) as specified within the Bushfire Protection Assessment Report must be plotted on the construction certificate civil works and landscape plans.
- (21) (B203) The water main from Abel Tasman Drive to Solomon Drive is in place and is 200mm PVC. The remaining work required will be the completion of this water main in 200mm PVC from Solomon Drive to South Atlantic Drive at Baltic Street, after exhaustion of the initial ET allowance. Arrangements are to be made with Council to disconnect a section of 150mm water main at proposed Lot 123 so that it can be removed from affected lots.
- (22) (B204) Potable water main connections are to be provided on the eastern boundary to the existing 200mm PVC water main in South Atlantic Drive; on the southern boundary to the existing 300mm PVC water main in Ocean Drive and on the western boundary to the existing 150mm PVC water main in Forest Parkway. On the north eastern corner, the 100mm potable water main is to extend to the sewer pump station lot either at a suitable offset to the sewer gravity main or by arrangement with the adjoining land owner. Details are to be shown on the engineering plans.
- (23) (B205) A concrete threshold in accordance with ASD202 is required either end of the Shareway (Road 8). Details of the construction of the thresholds are to be provided with the application for approval pursuant to Construction Certificate Application.

- (24) (B206) The Shareway Standard Road (Road 8) shall be provided one-way crossfall, with layback kerb adjacent to the lots and edge strip (min 300mm wide) to the opposite side of the road, i.e. layback kerb to the high side of the road and edge strip to the low side of the road. Details shall be provided with the application for approval pursuant to Construction Certificate Application.
- (25) (B207) Upright kerb shall be provided to the roads abutting drainage reserve and public reserve areas. Details shall be provided with the application for approval pursuant to Construction Certificate Application.

#### **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 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 the commencement of earthworks;
  - c. before commencement of any filling works;
  - 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) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (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) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (5) (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.
- (6) (D040) Wastes including felled vegetation shall not be disposed of by burning, unless approved in writing by Council.
- (7) (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.
- (8) (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.
- (9) (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.
- (10) (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. The removal of hollow bearing trees must be carried out in accordance with the approved Vegetation Management Plan.
- (11) (D050) The capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

- (12) (D051) 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.

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE**

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E008) Payment to Council, prior to the issue of the Subdivision 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
- Hastings S94 Major Roads Contributions Plan
- Hastings S94 Open Space Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005
- Section 94 Local Roads Contributions Plan Areas 13, 14 and 15

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.

- (3) (E009) 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 Subdivision Certificate (whichever occurs first), 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
- (4) (E015) Prior to the issue of the Subdivision Certificate, details of compliance with the Bushfire Safety Authority is to be provided to Council.
- (5) (E034) Prior to the issuing of the Subdivision Certificate, certification by Council (local roads authority) of all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (6) (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.
- (7) (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.
- (8) (E042) Creation of drainage easement between lots (i.e. interallotment)
- Where stormwater pipelines traverse lots other than those which they benefit appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.
- a. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.
  - b. Where easements are associated with a subdivision, the easement shall be established with the plan of subdivision and Section 88B instrument. Details to be submitted to Council prior to issue of Subdivision Certificate.
- Where easements are not associated with a subdivision, the easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to any Occupation Certificate.
- (9) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
- A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated ‘into maintenance period’.
- (10) (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 Subdivision Certificate or release of the security bond, whichever is to occur first.
- (11) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.
- Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
  - Include instruction for completion of 'Lighting Requirements';
  - Be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
  - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.
- (12) (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).
- (13) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (14) (E073) Prior to issue of any Subdivision Certificate, proof that the State Infrastructure Levy (if applicable) has been paid is to be submitted to the certifying authority.
- (15) (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 the erection of any building, tree removal or access except as nominated in the approved South Exhibit 04B, Sheet 6.
  - b. Prohibiting direct vehicular access to and from Ocean Drive.
  - c. Requiring swimming pools be designed to be koala friendly in accordance with the Area 14 Koala Plan of Management.
  - d. Prohibiting the removal of any hollow bearing trees proposed to be retained, unless arrangements have been made with Council.
  - e. Requiring Category 2 dwelling construction and additional internal BCA compliant ventilation on those lots affected by road noise in accordance with the approved Traffic Noise Impact Assessment prepared by SLR Global Environmental Solutions and dated 4 November 2015. Refer to Appendix B4 on page 21 of the report. The lots impacted are 29-33, 58-62, 85-88, 111-112, 134-146 & 150-151.
  - f. Requiring those lots affected, to maintain the approved fencing detail fronting Ocean Drive, the gateway treatment and/or corner treatment works.
- Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (16) (E078) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for open space purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (17) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.

- (18) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:
- a) The surface levels of the allotments created and any other area filled or reshaped as part of the development.
  - b) Compaction testing carried out to Level 1 of Appendix B AS 3798.
  - c) Standard penetration tests and calculated N values.
  - d) Bore logs
  - e) Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (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) Prior to release of the subdivision certificate, habitat linkages relevant to that stage of the subdivision are to be signposted in accordance with the Area 14 Koala Plan of Management. The design and location of the signage is to be approved by Council.
- (21) (E196) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of a subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer services from a Professional Engineer or Registered Surveyor as well as a copy of the linen plan and a copy of the stamped water and sewer construction layout plan(s).
- (22) (E197) All residue lots created during the staging must ensure the residential zoned land is maintained as an Inner Protection Area. A notation is to be placed on the title of such residue lots advising future owners of the need to maintain the residential zoned land as an inner protection area, until such time as it is developed.
- (23) (E198) The issuing of each subdivision certificate is not to occur until Council is satisfied with the completion of the environmental works in the approved Vegetation Management Plan and compliance with the Area 14 Koala Plan of Management. It should be noted that only the environmental works relevant to the stage of subdivision being completed, will need to be finalised before the release of the subdivision certificate for that stage.
- (24) (E199) Prior to release of the subdivision certificate to create proposed Lots 118-123, a 1.8m high solid fence is to be installed along the common boundary of the subject lots with Lot 32 DP 803801.
- (25) (E200) Prior to release of the subdivision certificate, the approved Ocean Drive fence treatment, gateway treatment and corner treatment works are to be installed onsite. The stage when such works are to be completed is to be approved by Council.
- (26) (D052) 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.

**F – OCCUPATION OF THE SITE**

Nil.

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