

DETERMINATION AND STATEMENT OF REASONS

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 15 February 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Steve Gow, Paul Drake and Matt Rogers
APOLOGIES	None
DECLARATIONS OF INTEREST	Matt Rogers declared a non-pecuniary conflict of interest as he had been involved in the Concept Plan review however he had not been involved in the assessment of the current DA.

Public meeting held at Wauchope Rotary Youth Hall on Wednesday, 15 February 2017, opened at 12:00 pm and closed at 12.45pm.

MATTER DETERMINED

2016NTH018 – Port Macquarie-Hastings Council – DA2016-465 - Ocean Drive, Lake Cathie / Bonny Hills (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

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*. The decision was unanimous.

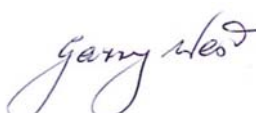

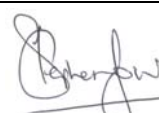


REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- There is an existing Part 3A Concept Plan and Stage 1 Project Approval applicable to the site;
- Relevant clauses in all environmental planning instruments are satisfied;
- The removal of trees is primarily confined to isolated trees within existing grazing land;
- Satisfactory arrangements are in place for provision of essential services; and
- The draft planning proposal under section 56 of the EP&A Act amending the Port Macquarie-Hastings LEP 2011 (Amendment No 36), Rainbow Beach Precinct C, Lake Cathie – Bonny Hills. The exhibition of the LEP changes completed on 02 February 2017 and will be considered by Council in March 2017.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended dated 14 February 2017 following discussion between Council and the Applicant.

PANEL MEMBERS	
Garry West (Chair) 	Pamela Westing 
Stephen Gow 	Paul Drake 
Matt Rogers 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH018 – Port Macquarie-Hastings – DA 2016-465.1
2	PROPOSED DEVELOPMENT	702 Lot subdivision and associated infrastructure
3	STREET ADDRESS	1350 Ocean Drive, Lake Cathie/Bonny Hills
4	APPLICANT OWNER	King and Campbell Pty Ltd St Vincent's Foundation Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Coastal subdivision
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 26 – Littoral Rainforest • State Environmental Planning Policy No. 44 – Koala Habitat • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Rural Lands) 2008 • Port Macquarie-Hastings Local Environmental Plan 2011 • Draft Planning Proposal to amend Port Macquarie-Hastings LEP 2011 (Amendment No 36) • Port Macquarie-Hastings Development Control Plan 2013 • Rainbow Beach Central Corridor Planning Agreement • Ocean Drive Lake Cathie Planning Agreement • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: January 2017 • Written submissions during public exhibition: none • Late submissions from members of the public dated 10 & 14 February 2017 • Applicant comments on recommended conditions of consent • Revised draft conditions of consent dated 14 February 2017 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Ben & Robyn Richardson, Roger Ballard (Bonny Hills Progress Association), Sue East (Lake Cathie Progress Association), & Phil Hafey (Bonny Hills Progress Association). ○ Object – NIL

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Scott Marchant, King and Campbell Pty Ltd.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit and briefing meeting on 15 February 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Revised draft conditions of consent dated 14 February 2017 as attached in Schedule 2.

SCHEDULE 1			
<p>PRESCRIBED CONDITIONS</p> <p>The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the <i>Environmental Planning & Assessment Regulations 2000</i>.</p> <p>A – GENERAL MATTERS</p> <p>(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.</p>			
Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	St Vincent's Foundation	King & Campbell Pty Ltd	June 2016
Overall Site Master plan	Sheet 6 Revision B	King & Campbell Pty Ltd	24 June 2016
Subdivision Master Plan	Sheet 7 Revision A	King & Campbell Pty Ltd	20 May 2016
Subdivision Precinct Plans	Sheets 8-14 Revision A	King & Campbell Pty Ltd	20 May 2016
Water and sewer servicing plan	Sheet 15 Revision A	King & Campbell Pty Ltd	20 May 2016
Stormwater Management Plan	Sheet 16 Revision A	King & Campbell Pty Ltd	20 May 2016
Street tree and fencing plan	Sheets 17 & 27 Revision A	King & Campbell Pty Ltd	20 May 2016
Street hierarchy & Pedestrian movement plan	Sheet 18 Revision B	King & Campbell Pty Ltd	24 June 2016
Bushfire Management Plan	Sheet 31 Revision A	King & Campbell Pty Ltd	20 May 2016
Road Traffic Noise Impact Assessment	630.11162R1 Revision 0	SLR Consulting	27 May 2016

Bushfire Protection Assessment	B142413 - 2	Australian Bushfire Protection Planners	1 June 2016
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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 civil works Construction Certificate will be required to be lodged with Port Macquarie-Hastings Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Port Macquarie-Hastings Council on completion of works.
- (3) (A006) 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.
- (4) (A007) The development may proceed in stages with the infrastructure requirements for each precinct to be established in accordance with the Statement of Environmental Effects and prior to the first stage of development in any precinct. The approved precincts are set out below:
- Precinct A - 68 residential lots and associated infrastructure.
 - Precinct B - 80 residential lots and associated infrastructure.
 - Precinct C - 8 residential lots and associated infrastructure.
 - Precinct D - 55 residential lots and associated infrastructure.
 - Precinct E - 47 residential lots and associated infrastructure.
 - Precinct F - 2 residential lots and associated infrastructure.
 - Precinct G - 71 residential lots and associated infrastructure.
 - Precinct H - 116 residential lots and associated infrastructure.
 - Precinct I - 145 residential lots and associated infrastructure.
 - Precinct J - 104 residential lots and associated infrastructure.

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.

- (5) (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.
- (6) (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.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The conditions from the following authorities, are attached and form part of the consent conditions for this approval.
- NSW Rural Fire Service - Recommended conditions, Reference D16/2167 DA16070602709 PC and dated 22 September 2016, are attached and form part of this consent.

- (9) (A016) This consent does not override any requirements of the *Native Vegetation Act 2003* and/or the *Environmental Protection and Biodiversity Conservation Act 1999*.
- (10) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Seaside Drive (currently within Lot 1 & Lot 2, DP 1225210) and Wallum Drive (Road #1 adjacent to the Lot 2, DP 1193553) a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawings. For Road #3 a 2.5 metre wide shareway (entire length) connecting to the existing shareway along Wallum Drive (Road #1) with design details in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.

- (11) (A031) Approval 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 obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

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

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

- (12) (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.

- (13) (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.

- (14) (A034) At the terminal end to any public road associated with the given development stage, "dead-end" roads are to be extended to AUSPEC standard (AUSPEC D1.5) joining smoothly with the existing section of road ending in a temporary sealed nine (9) metre radii Cul-de-sac with reflectorised posts.

Prior to Subdivision Certificate, a special terms right of carriageway shall be formed over temporary turning circles to enable the use of the turning area by Council and the public with formal release of the easement in full with future road dedication of the turning area.

- (15) (A052) All Sewage Pumping Stations are to be contained wholly within a separate lot dedicated to Council inclusive of constructed and sealed access handle to the public road.

- (16) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

- (17) (A195) All environmental works must be carried out in accordance with the relevant Voluntary Planning Agreement and approved Vegetation Management Plan.
- (18) (A196) Traffic calming devices are to be incorporated into all roads adjacent to, or crossing Habitat Linkages A and D as defined in the adopted Area 14 Koala Plan of Management. Details to be provided on the relevant infrastructure construction certification plans to the satisfaction of Council's Natural Resource Officer.
- (19) (A200) An appropriate fence consistent with figure 92 of Development Control Plan 2013 - Area Based provisions - Rainbow Beach must be provided along the full length of the littoral rainforest, incorporating educational signage at suitable locations. The fence shall of the same design and tie into that constructed on the adjoining land being Lot 1 DP374315. Details to be illustrated on the relevant infrastructure construction certificate plans for precinct F.
- (20) (A201) Prior to the issuing of any Part 4a development certificate all provisions in the executed Voluntary Planning Agreement (VPA), relevant to each precinct or stage, shall be undertaken to the satisfaction of Council.
- (21) (A202) Any proposed pedestrian crossing across Road #1 shall be designed to accommodate DA 2013/491 (Lake Cathie Public School) outstanding works required upon completion and dedication of the lead-in road to be constructed as part of DA 2013/358. Any pedestrian crossing shall be designed clear of school drop-off and loading areas, bus entry and exit driveways, and not impede the function of the Ocean Drive & Houston Mitchell Drive intersection.
- (22) (A205) Road #1 adjacent to the woodland shall be designed and constructed with precinct C or D (whichever occurs last); and shall be dedicated in conjunction with the first subdivision certificate of lots in that precinct.
- (23) (A206) Road #1 between Road #14 and Seaside Drive (Eastern perimeter road of DA 2012/381) shall be designed and constructed with the first stage of development in Precinct G; and shall be dedicated in conjunction with the first subdivision certificate of lots in Precinct G.
- (24) (A207) If not already dedicated as part of DA 2012/381, Aquatic Way (Road #14 of DA 2012/381) shall be designed and constructed as part of the first stage of development in Precinct F; and shall be dedicated in conjunction with the first subdivision certificate of lots in Precinct F.
- (25) (A208) The Ocean Drive & Baltic Street/Road #2 (Main Street) intersection shall be upgraded to the ultimate layout as per King & Campbell's plan – Final Ocean Drive Intersection Configuration and referenced by TTM's Traffic Engineering Report (Fig 8.2). Road and intersection work shall include:
- A channelised intersection with two (2) through lanes in Ocean Drive separated by medians
 - Road #2 (Main Street) south of the intersection shall include:
 - two (2) approach and two (2) departure lanes between Ocean Drive & Road #10;
 - Unless otherwise agreed to by Port Macquarie-Hastings Council a raised concrete median island prohibiting right-turn movements to/ from Road #10; and
 - the provision of a northbound u-turn movement on Road #2 (Main Street) south of the Road #10 intersection.
 - Sheltered 'right-turn; bays'
 - Declaration and acceleration lanes suitable for the speed zone on both sides of Ocean Drive
 - All required street lighting, signage and line marking
 - Landscaping within the 10 metre wide road widening buffer
 - Signalisation of the intersection with pedestrian crossing facilities.
- Road work and turn lane intersection upgrades for development associated with the intersection shall be constructed as part of the first stage of development in Precinct C; and shall be dedicated in conjunction with the first subdivision certificate in Precinct C. Cost associated with intersection works can be offset against Road Contributions.
- (26) (A209) The Ocean Drive & Solomon Drive/Road #11 intersection shall be upgraded to a two-lane roundabout in accordance with Ocean Drive (Area 14) corridor plan widening to a four-lane (dual carriageway) arterial. Road and intersection work shall include:
- A roundabout intersection with two (2) through lanes in Ocean Drive complying with Council AUS-SPEC and RMS AUSTROADS standards
 - South leg of Road #11 (departing the roundabout) be controlled through:
 - A raised concrete median prohibiting a southbound right-turn to Lot 68; and
 - A raised concrete median extending through Road #10 & Road #11 intersection or alternatively a dedicated right-turn lane between Ocean Drive and Road #10 creating a dedicated southbound right-turn lane.
 - Intersection footpath and cycleway crossings for all approaches
 - All required lighting, signage and linemarking

- Landscaping within the 10metre wide road widening buffer
- Provision of bus bay and shelter facilities where deemed necessary.
- If deemed practicable by Council, a Koala underpass is to be designed and constructed to the satisfaction of Port Macquarie-Hastings Council.

Intersection and road upgrades for development associated with the intersection shall be constructed as part of the first stage of development in Precinct D or Precinct G; and shall be dedicated in conjunction with the first subdivision certificate in Precinct D or Precinct G. Cost associated with intersection works can be offset against Road Contributions.

- (27) (A210) Dedication of the road widening buffer (minimum 10m wide) as public road across the frontage of the development and landscaped as per the DCP (Rainbow beach Area 14) as part of the first subdivision certificate for the relevant precinct.
- (28) (A211) As required or warranted, the Ocean Drive & Abel Tasman Drive/Seaside Drive intersection shall be incrementally upgraded to the ultimate intersection design (including signalisation) in accordance with the Ocean Drive (Area 14) corridor plan. Detailed concept plans for this ultimate intersection design (including signalisation) at Ocean Drive & Abel Tasman Road intersection have been previously defined part of the Ocean Drive, Lake Cathie Planning Agreement.

All costs associated with construction of intersection improvements (including but not limited to signalisation, road work, drainage, pedestrian features, utility relocations, street lighting, and line marking) shall be at no cost to Port Macquarie-Hastings Council or NSW Roads and Maritime Services. Cost associated with intersection works can be offset against road contributions.

1. Prior to the issue of the Construction Certificate (for subdivision works) constructing Road #3 between Road #2 (Main Street) to Seaside Drive (within DA 2012/381):

- a. Provide detail design plans to upgrade the Ocean Drive & Abel Tasman Drive/Seaside Drive to a signalised intersection consistent with the ultimate intersection design. With Road #3 construction works completed prior to any subdivision certificate to linking Road #2 (Main Street) to Seaside Drive (within DA 2012/381).

- (29) (A212) The applicant is to enter into and comply with the planning agreement under section 93F of the Environmental Planning and Assessment Act 1979, known as the Rainbow Beach Central Corridor Planning Agreement dated 22 December 2011 between Port Macquarie Hastings Council and St Vincent's Foundation 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.
- (30) (A213) The applicant is to enter into and comply with the planning agreement under section 93F of the Environmental Planning and Assessment Act 1979, known as the Ocean Drive, Lake Cathie Planning Agreement dated 17 February 2015 between Port Macquarie Hastings Council, Catarina Village Pty Limited, Catarina Developments Pty Limited, Seaside Pty Limited and St Vincent's Foundation 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.
- (31) The applicant is to enter into and comply with a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979, between Port Macquarie Hastings Council and St Vincent's Foundation Pty Ltd for the:
- The establishment of the pocket woodland, eastern creek and Lot 5 DP 25886 environmental management land;
 - The management of the pocket woodland, eastern creek and Lot 5 DP 25886 environmental management land for a period of 20 years, or as agreed between parties, from the completion of the establishment period for each of the subject areas; and
 - The dedication of the pocket woodland, eastern creek and Lot 5 DP 25886 environmental management land to Council at the completion of the management period for each of the subject areas.

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.

- (32) All residential lots are to have a finished surface level which is a minimum of 400mm above the 1 in 100 year including climate change flood levels as specified in the Cardno Flood Assessment Report (June 2016) or the Cardno Water Engineering and Environment DGR Assessment - Chapter 4 (April 2010) (whichever is higher).

Note: The finished floor levels of all future residential dwellings will be required to be a minimum of 500mm above the 1 in 100 year including climate change flood levels as specified in the Cardno Flood Assessment Report (June 2016) or the Cardno Water Engineering and Environment DGR Assessment - Chapter 4 (April 2010) (whichever is higher).

- (33) All roads and bridges are to have a finished surface level which is at or above the 1 in 100 year including climate change flood levels as specified in the Cardno Flood Assessment Report (June 2016) or the Cardno Water Engineering and Environment DGR Assessment - Chapter 4 (April 2010) (whichever is higher).
- (34) The final extent of fill for the western batter of proposed road 07 abutting Duchess Creek must be refined at detail design stage. The design shall demonstrate that there would be no more than 10mm afflux present in

the upstream areas and no more than 0.1m/s increase in flood velocity as a result of the road batter treatment.

- (35) Prior to the release of the infrastructure Construction Certificate for landscaping works in precinct C the street tree plan shall be updated to replace Tallowood species to another native non-Koala food tree for the median. Advice should be sought from Port Macquarie-Hastings Council's management staff as to a suitable species for this location.
- (36) An appropriately sized fauna underpass in the Eastern Creek Habitat Corridor crossing shall be constructed for road No. 1. It shall be designed and constructed to the satisfaction of Port Macquarie-Hastings Council. Details to be illustrated on the relevant stage/precinct infrastructure construction certificate plans.
- (37) Koala proof fencing is to be installed on both side of Duchess creek corridor, from Ocean Drive to the first road crossing over duchess creek to the satisfaction of Port Macquarie-Hastings Council. Three (3) one-way Koala bridges are to be installed at the interface of the habitat corridor and Ocean Drive. Details to be illustrated on the relevant stage/precinct infrastructure construction certificate plans.
- (38) The developer is to undertake feasibility study in providing a appropriately sized koala underpass as part of the construction of the Solomon Road / Ocean Drive intersection roundabout. The findings and details shall be presented as part of the infrastructure Construction Certificate.

B – PRIOR TO ISSUE OF A CIVIL WORKS CONSTRUCTION CERTIFICATE

- (1) (B003) Submission to the Principal Certifying Authority prior to the issue of a civil works Construction Certificate relevant to each stage/precinct detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Road works along the frontage of the development.
 - 2. New roads within the subdivision.
 - 3. Earthworks, including filling of the land for flood protection.
 - 4. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
 - 5. Sewerage reticulation.
 - 6. Water supply reticulation.
 - 7. Stormwater systems.
 - 8. Erosion & Sedimentation controls.
 - 9. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 - 10. Open space facilities, pathways, cycleways and associated facilities.
 - 11. Landscaping.
 - 12. Bridges/Major Culverts.
 - 13. Provision of a bus bay in accordance with Council's adopted Development Control Plan and AUSPEC requirements and shelter in accordance with Council standard drawings.
 - 14. Provision of a paved and signed cycleway route along Road #1 in accordance with Council's adopted Development Control Plan and AUSPEC requirements.
 - 15. Provision of pedestrian access ways a minimum of 4m wide, from Road Number 8 to Ocean Drive; such access ways to include a concrete pathway 1.2m wide including kerb ramps where necessary.
 - 16. Minimum provision of a 1.2m concrete footpath across the full road frontage of all roads.
 - 17. Detailed intersection layout at the junctions of Ocean Drive & Baltic Street/Road #2 (Main Street); Ocean Drive & Solomon Drive; and Ocean Drive & Seaside Drive (traffic signals) in accordance with the current version of the AUSTROADS guidelines for Intersection design, giving particular attention to sight distance.
 - 18. Provision of fire trails with the current version of *Planning for Bush Fire Protection*.

19. The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.

- (2) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of a civil works Construction Certificate relevant to each stage/precinct such details are to be illustrated on the submitted plans.

Road Name	Road Reserve (Carriageway)*	Road Category
Road No. 1	Width (m): 20 (9)	Collector Road
Road No. 2 (south of Road 1)	Width (m): 20 (9)	Collector Road
Road No. 2 (north of Road 1)	Width (m): 31.5 (22.5)	Commercial Road (Main Street)
Road No. 3	Width (m): 16 (9) (w/ on-street parking)	Collector Road (Perimeter Road)
Road No. 4	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 5 (north-south road)	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 5 (east-west road)	Width (m): 15 (7)	Local Street
Road No. 6	Width (m): 15 (7)	Local Street
Road No. 7 (east road)	Width (m): 19 (9)	Collector Road
Road No. 7 (west road)	Width (m): 16 (8)	Perimeter Road
Road No. 8 (adjacent to Eastern Creek)	Width (m): 20 (8)	Local Street (Perimeter Road Special)
Road No. 8 (not adjacent to Eastern Creek)	Width (m): 15 (7)	Local Street
Road No. 9	Width (m): 15 (7)	Local Street
Road No. 10 (east of Road 16)	Width (m): 15 (7)	Local St (with Collector Road Pavement)
Road No. 10 (between Road 16 & Road 24) except through lot 696	Width (m): 16 (9)	Commercial Road
Road No. 10 (west of Road 24)	Width (m): 15 (7)	Local St (with Collector Road Pavement)
Road No. 11	Width (m): 20 (9)	Collector Road
Road No. 12	Width (m): 15 (7)	Local Street
Road No. 13 (north-south road)	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 13 (east-west road)	Width (m): 15 (7)	Local Street
Road No. 14 (north of road 12)	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)

Road No. 14 (south of road 12)	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 15	Width (m): 15 (7)	Local Street
Road No. 16	Width (m): 16 (9) (w/ on-street parking)	Collector Road (Perimeter Road)
Road No. 17	Width (m): 15 (7)	Local Street
Road No. 18	Width (m): 15 (7)	Local Street
Road No. 19	Width (m): 15 (7)	Local Street
Road No. 20	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 21 (east of road 20)	Width (m): 15 (7)	Local Street (Drainage Reserve Edge Road)
Road No. 21 (west of road 20)	Width (m): 15 (7)	Local Street
Road No. 22	Width (m): 15 (7)	Local Street
Road No. 23	Width (m): 15 (7)	Local Street
Road No. 24	Width (m): 15 (7)	Commercial Road
Road No. 25	Width (m): 15 (7)	Local Street
Road No. 26	Width (m): 15 (7)	Local Street
Road No. 27	Width (m): 15 (7)	Local Street
Road No. 28	Width (m): 15 (7)	Local Street
Road No. 29	Width (m): 15 (7)	Local Street
Road No. 30	Width (m): 15 (7)	Local Street
Road No. 31	Width (m): 15 (7)	Local Street
Road No. 32	Width (m): 15 (7)	Local Street
Road No. 33	Width (m): 15 (7)	Local Street
Road No. 34	Width (m): 15 (7)	Local Street
Road No. 35	Width (m): 15 (7)	Local Street

Note: * Reserve and carriageway widths shall comply with most recent version of AUSPEC and NSW Planning for Bushfire Protection (PBP). Localised road widening may be required in accordance with Table 4.1 of PBP for any horizontal curves less than 70m. Minimum verge widths shall be maintained in accordance with AUSSPEC.

- (3) (B007) Road names proposed for the development shall be submitted to Port Macquarie-Hastings Council prior to release of a civil works Construction Certificate relevant to the stage/precinct. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.
- (4) (B008) This consent approves the staging of the subdivision subject to:
 - a. the applicant supplying an updated staging plan when lodging a civil works Construction Certificate application showing each of the preceding stages and the proposed stages of the subdivision;
 - b. compliance with any other conditions of consent in relation to the staging of works.
- (5) (B015) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main.

- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- Construction details are to be submitted to Port Macquarie-Hastings Council with the application for civil works Construction Certificate.
- (7) (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.
- (8) (B030) Prior to issue of a civil works Construction Certificate relevant to the stage/precinct, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Port Macquarie-Hastings 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)
- (9) (B031) Prior to release of a civil works Construction Certificate relevant to each stage/precinct an execution of a Works Authorisation Deed (WAD) with The Roads and Maritime Services (RMS) or evidence of agreement from the RMS that no WAD is required.
- (10) (B034) Prior to release of a civil works Construction Certificate relevant to each stage/precinct the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (11) (B072) A stormwater drainage design is to be submitted and approved by Port Macquarie-Hastings Council prior to the issue of a civil works Construction Certificate relevant to the stage/precinct. The design must be prepared in accordance with Port Macquarie-Hastings Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 5709 prepared by King and Campbell Pty Ltd and dated April 2016.
 - 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 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.
 - d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - e) 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.

f) 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.

g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

(12) (B052) The provision of 3m x 3m splay corners on corner allotments 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 civil works Construction Certificate relevant to that stage/precinct.

(13) (B071) Prior to the issue of a civil works Construction Certificate relevant to the stage/precinct, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

(14) (B073) A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a civil works Construction Certificate within the relevant stage/precinct.

- Stormwater network within the central corridor

The dilapidation report is to be prepared by a practising Structural/Civil Engineer agreed to by both the applicant and Port Macquarie-Hastings Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The applicant shall be responsible for public infrastructure. Any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

(15) (B085) The location of electricity substations are to be clearly illustrated on the civil works Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.

(16) (B195) The sewer and water supply strategy shown on Exhibit 06 - Residential Servicing (Sewer & Water) is not generally acceptable. In particular, approximately 300 metres of 200mm potable water main is to extend south from Precinct I to the existing 200mm PVC water main in Rainbow Beach Drive and address possible additional flow from SPS 12 with attendant grade reduction within the development and perhaps elimination of one new Sewer Pump Station.

(17) (B196) Prior to issue of a civil works Construction Certificate for the relevant stage/precinct, the proponent is to provide a development staging plan as well as a finished surface contour plan together with water supply (potable and reclaimed) and sewer servicing strategies detailing works necessary to support each stage. Potable and reclaimed water supply modelling will be provided by Port Macquarie-Hastings Council in regard to proposed water main sizing, main locations and augmentations.

(18) (B199) WAD - Ocean Drive & Baltic St / Road #2 (Main Street) Intersection

When traffic control signals are required on a classified road, the developer will be required to enter into a Works Authorisation Deed (WAD) with RMS, which will exercise its power under Section 87 of the Roads Act 1993 (the Act) and/or the functions of the roads authority, to oversee the traffic control signals in accordance with Sections 64 and 71, as applicable, for all works under the WAD.

Upon Council's determination of the warrants for signalisation of the Ocean Drive - & Baltic Street / Road #2 (Main Street) intersection, the developer shall enter into a WAD with RMS for all road works associated with the installation of traffic control signals on the classified road (Ocean Drive).

Upon Council's determination of the warrants for signalisation of the Ocean Drive - & Baltic Street / Road #2 (Main Street) intersection, the developer shall complete all road works associated with the installation of traffic control signals as required under the WAD to practical completion, as determined by RMS, prior to issuing any further subdivision certificate for the proposed subdivision. All works shall be undertaken at full cost to the developer to the satisfaction of RMS. Cost associated with intersection works can be offset against Road Contributions.

(19) (B200) WAD - Ocean Drive & Seaside Drive Intersection

When traffic control signals are required on a classified road. The developer will be required to enter into a Works Authorisation Deed (WAD) with RMS, which will exercise its powers under Section 87 of the Roads Act 1993 (The Act) and/or the functions of the roads authority, to oversee the Traffic control signals in accordance with Sections 64 and 71, as applicable, for all works under the WAD.

Upon Council's determination of the warrants for signalisation of the Ocean Drive - Abel Tasman intersection, the developer shall enter into a WAD with RMS for all road works associated with the installation of Traffic Control Signals on the classified road (Ocean Drive).

Upon Council's determination of the warrants for the signalisation of the Ocean Drive - Abel Tasman intersection the developer shall complete all road works associated with the installation of traffic control signals as required under the WAD to practical completion, as determined by RMS, prior to issuing any further subdivision certificate for the proposed subdivision. All works shall be undertaken at full cost to the

developer to the satisfaction of RMS. Cost associated with intersection works can be offset against Road Contributions.

- (20) (B201) Design Plans to Road and Maritime Services (RMS) - Approved design plans by the RMS of the proposed engineering works detailed below shall be submitted to the Council as the Road Authority for approval prior to the issue of a Construction Certificate for intersection works for the relevant stage/precinct.
- Ocean Drive & Abel Tasman Road intersection improvements and signalisation
 - Ocean Drive & Baltic Street/Road #2 (Main Street) intersection improvements and signalisation
- (21) The three grassed stormwater channels located centrally within drainage catchments W1C, W1E and W2 must be landscaped with endemic native species that require no specific regular maintenance for bushfire protection purposes. In this regard it is noted that these channels are located within an "Inner Protection Area" as specified within the Bushfire Protection Assessment Report.
- 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 civil works Construction Certificate relevant to the stage/precinct.
- (22) Prior to the issue of any Construction Certificate, the developer is to provide evidence of Rainbow Beach Central Corridor Planning Agreement and Ocean Drive Lake Cathie Planning Agreement has been registered on the title.

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 Port Macquarie-Hastings 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 Port Macquarie-Hastings Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Port Macquarie-Hastings Council's development engineer or his representative.
- (3) (C008) No access through public reserve land shall be allowed without first obtaining written approval from Port Macquarie-Hastings Council's Parks and Gardens Manager. No clearing or damage to any vegetation on public reserve land is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining public reserve land during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Port Macquarie-Hastings Council. Such approval would need to be undertaken in accordance with Council Policy.
- (4) (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.
- (5) (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.
- (6) Prior to any works commencing within precinct D a Vegetation Management Plan for the Pocket Woodland Park (proposed Lot 697) is to be approved by Port Macquarie-Hastings Council.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Port Macquarie-Hastings 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. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works

- e. at the commencement of earthworks;
- f. before commencement of any filling works;
- g. when the sub-grade is exposed and prior to placing of pavement materials;
- h. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- i. at the completion of each pavement (sub base/base) layer;
- j. before pouring of kerb and gutter;
- k. prior to the pouring of concrete for sewerage works and/or works on public property;
- l. on completion of road gravelling or pavement;
- m. during construction of sewer infrastructure;
- n. during construction of water infrastructure;
- o. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D029) The demolition of any existing structures shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.
- (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) Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - The work areas being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
 - All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable).
- (7) (D040) Wastes including cleared vegetation shall not be disposed of by burning.
- (8) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Port Macquarie-Hastings Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (9) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Port Macquarie-Hastings Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (E004) Consolidation of the allotments comprising the site of the proposed development prior to or as part of the application for a Subdivision Certificate.
- (2) (E005) Prior to the release of any bond securities held by Port Macquarie-Hastings 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) (E006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Port Macquarie-Hastings Council, in accordance with the approved Construction Certificate.
- (4) (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, or a planning agreement has been entered into with Council to address the relevant plans. 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
- Section 94 Local Roads Contributions Plan Areas 13, 14 and 15
- Community Cultural and Emergency Services Contributions Plan 2005

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. Cost associated with intersection works can be offset against Road Contributions.

- (5) (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, 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
- (6) (E012) Dedication as public road to Port Macquarie-Hastings Council, the area required for road widening along the frontage of the development at no cost to Council. Details are to be incorporated in the plan of subdivision for the relevant stage/precinct.
- (7) (E015) Prior to the issue of a Subdivision Certificate for residential lots, details of compliance with the bushfire safety conditions is to be provided to the Principal Certifying Authority.
- (8) (E034) Prior to the issuing of a Subdivision Certificate for the relevant stage/precinct provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E035) Prior to the issuing of the Subdivision Certificate for the relevant stage/precinct, provision to the Principal Certifying Authority of documentation from the Roads and Maritime Services (RMS) being the roads authority certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act have been satisfactorily completed. A copy of this is to be submitted to Port Macquarie-Hastings Council prior to the release of the engineering security bond.
- (10) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council’s current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:

- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.

- (11) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.

- (12) (E049) A final Dilapidation Report including a photographic survey of the stormwater network within the central corridor must be undertaken after the completion of infrastructure works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Port Macquarie-Hastings Council and the Principal Certifying Authority prior to the issue of a Subdivision Certificate for the relevant stage/precinct.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council prior to the issue of Subdivision Certificate.

- (13) (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'.

- (14) (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 for the relevant stage/precinct.
- (15) (E054) No building is to be connected to Council's future sewer main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for air testing, visual inspection, manhole lid seal and the level of the lids above the proposed finished surface level. The manhole must be protected during dwelling construction by erecting a barrier around the manhole. Any alterations to the finished surface level requiring the raising or lowering of the manhole will require Council's approval.
- (16) (E055) No building is to be connected to Council's future water main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during dwelling construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the dwelling landscape works. Water meters will not be connected until the mains are accepted.
- (17) (E061) Landscaped areas being completed prior to issue of the Subdivision Certificate for the relevant stage/precinct. Public landscaping may be bonded as agreed to by Council.
- (18) (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 for the relevant stage/precinct.

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.

- (19) (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:
- The relocation of underground services where required by civil works being carried out.
 - The relocation of above ground power and telephone services
 - The relocation of street lighting
 - The matching of new infrastructure into existing or future design infrastructure
- (20) (E068) Prior to the issue of a Subdivision Certificate for the relevant stage/precinct, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (21) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (22) (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:
- Prohibiting direct vehicular access to and from Ocean Drive, except at designated road intersections.
 - Prohibiting direct vehicular access for Lots 688, 17, 45 and 33 to and from Seaside Drive (currently within Lot 1, DP 1225210).
 - Prohibiting direct vehicular access for Lot 68 to and from Road #11.
 - Prohibiting direct vehicular access for Lots 533, 558, 569, 570, 592, 624 and 652 to and from Wallum Drive (DA 2013/358 lead-in road).
 - Prohibiting direct vehicular access for Lots 692 and 696 (north of Road #10) to and from Road No #2.
 - No building shall be erected or permitted to remain erected upon any lot burdened unless the building has been designed to incorporate the required building construction category measures as outlined in the Road Traffic Noise impact Assessment prepared by SLR Consulting dated 27 May 2016 to achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 - Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.
 - No pool shall be constructed or be permitted to remain on the lot burdened unless it has been designed to allow Koalas to escape by having a shallow end and/or a sloping bottom or otherwise incorporate a stout rope which is a minimum of 50mm in diameter with one end secured to a stable poolside structure and the other end trailing in the pool at all times.
 - Provision within the title of proposed lots 68, 533 and 688 a restriction requiring corner boundary fencing treatment to be constructed in accordance with PMH DCP 2011 (Rainbow Beach Area 14 Provisions).
- Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (23) (E078) The lots identified as proposed drainage land under Council's control is to be dedicated to Council for drainage, open space, road widening purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate for the relevant stage/precinct.
- (24) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate for the relevant stage/precinct that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (25) (E080) The applicant is required to make provision in the application for a Subdivision Certificate for the relevant stage/precinct:
- dedication as public road of the area required for road widening,
 - dedication as public road of a 3m splay corner on corner allotments unless otherwise agreed to by Council.
 - consolidation of the existing allotments comprising the site of the proposed development.
- (26) (E081) The applicant will be required to submit prior to the issue of a Subdivision Certificate for the relevant stage/precinct, 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:
- The surface levels of the allotments created and any other area filled or reshaped as part of the development.
 - Compaction testing carried out to Level 1 of Appendix B AS 3798.
 - Standard penetration tests and calculated N values.
 - Bore logs
 - Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (27) (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 a Subdivision Certificate for the relevant stage/precinct. The copyright for all information supplied, shall be assigned to Council.

- (28) (E195) 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 for the relevant stage/precinct. The application for the certificate is to include a copy of the Work-as-Executed plan and the Registered Surveyor's Linen Plan.
- (29) (E197) Prior to the issue of a Subdivision Certificate for the relevant stage/precinct, a Validation Report prepared by a suitably qualified and practising contaminated land consultant shall be submitted to Port Macquarie-Hastings Council for the areas of the subdivision being developed for residential use and contain contaminated and/or impacted soils or electricity power line/easement.

Refer to the ERM Report "Rainbow Beach Proposed Urban Development Ocean Drive Bonny Hills Preliminary Site Investigation" for Vincent's Foundation Pty Ltd. Report No. 0072982 Dated November 2007.
- (30) (E198) The completion of all works required under Council's consent to Development Application No. DA 2013/358 prior to the release of any Subdivision Certificate for Precinct A.
- (31) (E199) Satisfactory arrangements shall be made to service lots, prior to any Subdivision Certificate releasing proposed Lot 700 (sporting fields) and Lot 701 (Southern School Site).
- (32) (A199) Prior to the issuing of any subdivision certificate within the relevant precinct/stage all associated environmental works are to be undertaken in accordance with the approved Vegetation Management Plan and to a standard to the satisfaction of Council.
- (33) Prior to the issuing of any subdivision certificate for lots within precincts G, H, I or J the central corridor environmental management land shall be dedicated to Port Macquarie-Hastings Council.