

PROPOSED CONDITIONS

DA NO: 2017/675

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
Plans	160059 Sheet 1-7, 9, 15 - 25	MJM Consulting Engineers	23 July 2018
Statement of Environmental Effects	RevA	MJM Consulting Engineers	11 August 2017
Bushfire Hazard Assessment	-	David Pensini Building Certification and Environmental Services	November 2016
Vegetation Management Plan	RevB	MJM Consulting Engineers	12 January 2018
Traffic Impact Assessment	Revision 2	StreetWise Road Safety & Traffic Services Pty Ltd	July 2018

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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved stages as detailed on the approved staging plan.

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 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 D17/2941 DA17083008996 PC and dated 31 July 2018, are attached and form part of this consent.
- **NSW Department of Primary Industries** - The General Terms of Approval, Reference IDAS1105000 and dated 13 February 2018, are attached and form part of this consent.

- (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 development is to comply with the Thrumster (Area 13) Koala Plan of Management.
- (13) (A196) All clearing shall be carried out in accordance with the Biodiversity Certification – Port Macquarie Airport and Surrounding Lands, conferred by the Minister for the Environment on 7 September 2018 prior to the relevant stage of the subdivision commencing.
- (14) (A197) The provision, at no cost to Council, of concrete foot paving along all new roads in accordance with Council's footpath policy and AUS-SPEC standards:
 - a) For all arterial, distributor and collector roads a 1.5m (min.) width footpath is required on both sides of the road, or alternatively a 2.5m (min.) width shared cycleway may be specified on at least one side of the road,
 - b) For all lower-order roads a 1.5m (min.) width footpath is required on at least one side of the road,
 - c) All perimeter roads shall be provided with a 2.5m (min.) width shared cycleway, positioned along the outer edge of the perimeter Asset Protection Zones (i.e. adjacent to the road reserve boundary, for ease of maintenance and to delineate the APZ edge),
 - d) 2.5m (min.) width shared cycleways shall be extended along the link roads and culverts to adjoining precincts,
 - e) All paths shall be linked together and to bus stops by kerb ramps located safely outside of intersections, and shared cycleways shall connect with on-road cycleways, and
 - f) Approaches to kerb ramps and other hazards or changes in direction shall be fitted with Tactile Ground Surface Indicators to the extent recommended by AS/NZS 1428.4.
- (15) (A198) Each road that terminates at a stage boundary shall terminate in a temporary sealed 9m (min.) radius cul-de-sac with reflector posts at maximum 3m spacings, or alternatively the road shall be extended to the next T-intersection or cul-de-sac head, to facilitate turnaround of trucks. If such a road or turning head is constructed as temporary, it shall be contained within the development residue lot and a Right of Access in favour of the Council

shall be registered over the whole manoeuvring area, until it is reconstructed to final standard and dedicated as public road reserve.

- (16) (A199) Asset Protection Zones within public perimeter roads shall comply with the measures set out in the latest version of Planning for Bushfire Protection, and specifically:
- a) Have a maximum 1:4 batter slope for ease of mowing,
 - b) Achieve a canopy cover (at mature tree stage) of less than or equal to 15% for Inner Protection Areas and between min. 20% and max. 30% for Outer Protection Areas,
 - c) Have no mass planting areas of groundcovers or shrubs other than grasses. Grasses shall be a low maintenance, low fuel load variety such as *Zoysia macrantha* sp,
 - d) All perimeter roads shall have SA (barrier) type kerb on the outer (vegetation) side of the road to limit vehicular access to the reserve,
 - e) Hydrants and parking shall be located so as not to hinder firefighting access in accordance with Planning for Bushfire Protection.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
- 1. Road works along the frontage of the development.
 - 2. New roads within the subdivision.
 - 3. Earthworks, including filling of the land for flood protection.
 - 4. Sewerage reticulation.
 - 5. Water supply reticulation.
 - 6. 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.
 - 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. Traffic management control plan.
 - 14. Provision of bus bays and shelters in accordance with Council's adopted AUSPEC Design and Construction Guidelines and standard drawings.
 - 15. Provision of concrete footpaths.

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

Thrumster St	Width (Mtrs): 22	Type: Distributor
Road No. 1	Width (Mtrs): 19	Type: Collector
Road No. 2	Width (Mtrs): 15	Type: Local
Road No. 3	Width (Mtrs): 15	Type: Local
Road No. 4	Width (Mtrs): 19	Type: Collector
Road No. 5	Width (Mtrs): 25.5/15	Type: Perimeter /local
Road No. 6	Width (Mtrs): 15	Type: Local
Road No. 7	Width (Mtrs): 15	Type: Local
Road No. 8	Width (Mtrs): 15	Type: Local
Road No. 9	Width (Mtrs): 15	Type: Local
Road No. 10	Width (Mtrs): 15	Type: Local
Road No. 11	Width (Mtrs): 15	Type: Local
Road No. 12	Width (Mtrs): 19	Type: Collector
Road No. 13	Width (Mtrs): 15	Type: Local
Road No. 14	Width (Mtrs): 15	Type: Local
Road No. 15	Width (Mtrs): 15	Type: Local
Road No. 16	Width (Mtrs): 15	Type: Local
Road No. 17	Width (Mtrs): 15	Type: Local
Road No. 18	Width (Mtrs): 15	Type: Local
Road No. 19	Width (Mtrs): 15	Type: Local
Road No. 20	Width (Mtrs): 19	Type: Collector
Road No. 21	Width (Mtrs): 15	Type: Local
Road No. 22	Width (Mtrs): 15	Type: Local
Road No. 23	Width (Mtrs): 15	Type: Local
Road No. 24	Width (Mtrs): 15	Type: Local
Road No. 25	Width (Mtrs): 15	Type: Local

- (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

- (4) (B007) Road names proposed for the development 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 the NSW Addressing User Manual.
- (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 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 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)

- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

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

and;

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

- (10) (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.

- (11) (B056) The Stormwater network proposed with the application for Construction Certificate is to include provision to each subdivided lot of a direct point of connection to Council's future piped drainage system.

- (12) (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.

- (13) (B195) Preliminary modelling of the potable water supply reticulation indicates that a 300mm potable water main will be required to be extended from John Oxley Drive. Water main sizes within the development site will be confirmed by Council's Water and Sewer Section with the application for the Construction Certificate.
- (14) (B196) Preliminary modelling of the reclaimed water supply reticulation indicates that a 250mm reclaimed water main will be required to be extended from John Oxley Drive. If it is not possible to connect to the proposed reclaimed water main from Port Macquarie, or to the existing interim reclaimed water supply arrangements, a further temporary connection to service the reclaimed reticulation from the potable supply may be required at no cost to Council. Water main sizes within the development site will be confirmed by Council's Water and Sewer Section with application for the Construction Certificate.
- (15) (B198) Provision must be made for extension of Council's water supply infrastructure to the development to the east (Lot 206 DP 754434). Details are to be submitted with the application for a Construction Certificate.
- (16) (B199) The proposed sewer pump station location is acceptable in principle. The sewer rising main shall traverse along the perimeter of the subdivision (Road No. 5) and discharge into a collection manhole on the northern side of the intersection of Road No. 5 & Road No. 19 (high point HPT 3). The sewer strategy may be varied subject to acceptance of Council's Water and Sewer Section.
- (17) (B200) The sewer rising main shall discharge into a gravity trunk main on the northern side of the intersection of Road No. 5 and Road No. 19 (high point). The trunk gravity main shall be 525mm in diameter and traverse along the northern perimeter of the development site (northern side of Road No. 5). This trunk main is to connect to Council's existing sewer system at manhole TS01P002MH. The sewer strategy may be varied subject to acceptance of Council's Water and Sewer Section.
- (18) (B201) Access to the existing sewer pump station must be reinstated to the satisfaction of Council's Water and Sewer Section. Details are to be provided on the construction plans.
- (19) (B202) Culvert crossings are to be designed in accordance with the Area 13 Koala Plan of Management provisions. Details shall be clearly illustrated on the Infrastructure Construction Certificate plans. Koala underpass furniture shall be designed and installed in the culverts to Council's satisfaction.
- (20) (B203) The level of all roads and bridges are to be a minimum of 900mm above the 1 in 100 year flood level as specified in the Maunsell Aecom Integrated Water Management Plan - Stage 3 Sept 2008 or the Patterson Britton Encroachment Assessment Report - May 2007 (whichever is higher). Details demonstrating compliance with these levels shall be clearly illustrated on the Construction Certificate plans.
- (21) (B204) The level of all residential lots must be a minimum of 900mm above the 1 in 100 year flood levels as specified in the Maunsell Aecom Integrated Water Management Plan - Stage 3 Sept 2008 or the Patterson Britton Encroachment Assessment dated May 2007 (whichever is higher). Details demonstrating compliance with these levels shall be clearly illustrated on the Construction Certificate plans.
- (22) (B205) Prior to the issue of the relevant Construction Certificate detailed calculations must be provided to Council demonstrating that the culvert/bridge for the proposed road crossing Tributary A (Road 4) can maintain the required flow conveyance within the floodway area as shown in the Patterson Britton

Encroachment Assessment - dated May 2007. A detailed plan showing the cross sectional area of the culvert/bridge must be provided to Council which confirms that the culverts/bridges have the appropriate capacity to ensure that the upstream 'floodway' extent is not altered. 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 crossing treatment, or that the afflux and velocity change will not cause any adverse effects on infrastructure (including assets) and upstream developments and that the floodwaters are capable of being contained within the designated creek channel.

- (23) (B206) Council as the Road Authority shall nominate the street lighting category for roads within a stage, at the land owner's request and using the form provided by Essential Energy, prior to issue of the Construction Certificate for that stage. The signed form shall form part of the Construction Certificate documentation.
- (24) (B207) Prior to Construction Certificate approval, each culvert or bridge crossing shall be designed and certified by an experienced structural engineer to have a design life of 100 years, and in accordance with AS 5100 including catering for SM1600 loading and all other reasonably anticipated loads.
- (25) (B208) The concept Stormwater Management Plan that forms part of the DA documents is not acceptable for design or construction purposes. An updated stormwater drainage design is to be approved by the Council or accredited certifier as part of each Construction Certificate for subdivision works. All relevant computer models, reports and design plans shall be provided to the certifier and must satisfy the following requirements:
 - a) The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards.
 - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted. Private junctions for any lots with access handles shall be extended for the full length of the handle. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for these lots.
 - c) The design requires the provision of inter-allotment drainage in accordance with AUSPEC D5
 - d) The design shall incorporate 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, unless it can be demonstrated with modelling that there is no benefit in detention to the downstream catchment. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - g) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - h) All public drainage infrastructure common to this development and the adjoining manufactured home estate to the west (DA2017 - 721) shall be

designed and constructed in accordance with the consent conditions for both developments (including provision of adequate capacity and treatment to cater for both).

- (26) (B209) Prior to the issue of a Construction Certificate for Stage 7 of the development, evidence is to be provided to the Principal Certifying Authority that the section of Crown road affected by the works has been closed and/or transferred to Council.

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) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS 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.
- (4) (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.
- (5) (C195) Establishment works in accordance with the approved vegetation management plan are to commence with the commencement of development.
- (6) (C196) Prior to works commencing a tree management plan shall be approved by Council in accordance with AS 4970/2009 for all proposed retained trees that have an incursion of greater than 10% into Tree Protection Zones.
- (7) (C197) Prior to draining either of the existing farm dams, a Dewatering Management Plan shall be developed to manage the impacts of the works on fish and turtle species. A suitably qualified ecological consultant shall supervise the works to ensure that they are carried out in accordance with the adopted plan.

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. 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) (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) (D040) Wastes including vegetation shall not be disposed of by burning.
- (5) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (6) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (7) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.
- (8) (D046) Should any artefacts be uncovered or disturbed then work is to cease immediately and the Birpai Local Aboriginal Land Council is to be contacted to discuss how to proceed.
- (9) (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.

- (10) (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.
- (11) (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.
- (12) (D195) No disturbance of any kind is permitted within the known archaeological sites. The southern site shall be fenced during construction to prevent any disturbance.
- (13) (D196) An Aboriginal site worker is to be present prior to any work within 50m of any of the known archaeological sites.

E – PRIOR TO 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) (E006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Council, in accordance with the approved Construction Certificate.
- (3) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (4) (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:
 - Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
 - Port Macquarie-Hastings 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.

- (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) (E034) Prior to the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (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 Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (8) (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 the issue of the Subdivision Certificate.
- (9) (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.
- (10) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any Subdivision Certificate.
- (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) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (13) (E068) Prior to the issue of a Subdivision 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 (including street lighting and fibre optic cabling where required).
- (14) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (15) (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.
- (16) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report certifying construction of all earthworks as controlled fill in accordance with Council AUS-SPEC Standard and AS 37898. Such report to provide details of:
- a. Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (17) (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 Certificate. The copyright for all information supplied, shall be assigned to Council.
- (18) (E195) Prior to release of the first Subdivision Certificate, a landscape management plan is to be approved by Council for the proposed parklands.
- (19) (E196) A Subdivision Certificate shall not be issued for the following stages of the development until the road and intersection upgrades listed below have been completed in accordance with the Port Macquarie-Hastings Section 94 Local Roads Contributions Plan - Areas 13, 14 and 15:
- a) Upgrade Thrumster Street to AUSPEC standard for Local Street prior to the issue of the Stage 1 Subdivision Certificate, including any necessary

upgrade of the John Oxley Drive intersection in accordance with Austroads requirements.

- b) Upgrade Thrumster Street to AUSPEC standard for Collector Road, including single lane roundabout at John Oxley Drive intersection, prior to the issue of the Stage 5 Subdivision Certificate.
 - c) Upgrade Thrumster Street to AUSPEC standard for Arterial Road, including double lane roundabout at John Oxley Drive intersection, prior to the issue of the Stage 9 Subdivision Certificate.
- (20) (E197) Prior to approval of each Subdivision Certificate, Compliance Certificate(s) as defined in s109(C) of the EP&A Act shall be provided to the Principal Certifying Authority and the Council. The certificate(s) shall certify that each of the following works categories in relation to that stage are complete in accordance with all DA conditions and Construction Certificates, shall include any supporting documentation requested by the PCA or required by the Council's standards, and details of any non-conformances:
- Roads and pedestrian facilities,
 - Street plantings,
 - Public structures (for example culverts, retaining walls and bus shelters),
 - Stormwater drainage,
 - Sewerage,
 - Potable and Reclaim Water Infrastructure,
 - Environmental and Vegetation Works.
- (21) (E198) The works as executed (WAX) package shall contain spot levels confirming the finished surface levels for the lots/roads adjacent to the creeks. The WAX shall also plot lines which define the new 1:100 year flood extent, Flood Planning Area and Probable Maximum Flood based on the finished surface level and the known flood heights.
- (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.
- a. Prohibiting the keeping of domestic dogs on any lot within the core koala habitat area;
 - b. Restriction on all lots within the core koala habitat area requiring fencing to provide an average minimum ground clearance of 250mm to provide for the free movement of koalas.
- (23) (E199) This consent only approves the part of proposed Lot 101 that is located outside the existing Thrumster Street road reserve. The plan submitted with the application for a Subdivision Certificate shall be amended accordingly.

F – OCCUPATION OF THE SITE

nil

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local

Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

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