

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/1045

DATE: 20/02/2018

## 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
Proposed ground floor plan	Drawing No.A06.02	BN Group Pty Ltd	13 February 2018
Development plans	Drawing No. A00.01 to A100.40 (with exception of A06.02)	BN Group Pty Ltd	20 November 2017
Statement of Environmental Effects		Urbis Pty Ltd	21 November 2017
Ecological Assessment		Naturecall Environmental	16 November 2017
Arborist report		Woodvale Tree Services	
Noise and Vibration report		Wilkinson Murray	20 November 2017

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) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (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.

- (4) (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 holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Highfields Circuit a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawings ASD100 series. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (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.

- (10) (A071) Branch pruning approved by this consent shall only be carried out by a minimum Certificate Three Arborist in accordance with the Australian Standards AS 4373.
- (11) (A077) Retained trees growing on the land on which the structure is erected or on adjoining land must not be damaged as a result of the erection or use of the structure consistent with AS4970 protection of trees on development sites.
- (12) (A195) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. Formal Trade Waste Approval will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.
- (13) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.

## **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Public parking areas including;
    - a. Driveways and access aisles;

- b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
  2. Sewerage reticulation.
  3. 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.
  4. Stormwater systems.
  5. Erosion & Sedimentation controls.
  6. 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
  7. Landscaping.
  8. Traffic management control plan.
  9. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD, Port Macquarie-Hastings Council current version.
  10. Provision of a 1.2m concrete footpath across the full road frontage of the property.
- (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 relevant Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access
- Other

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

- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A 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 Section 94A Levy Contributions Plan 2007

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) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to release of the relevant Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (8) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (9) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
  - a) The 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.
  - b) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
  - d) The legal point of discharge for the proposed development is defined as a direct piped connection to a stormwater pit within Highfields Circuit, or an approved kerb adapter. In either case, Council's piped drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) from the nearest downstream public pit at least 80m towards the site boundary.
- (10) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to

the Principal Certifying Authority prior to release of the Construction Certificate.

- (11) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (12) (B071) Prior to the issue of the relevant 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) (B196) Prior to the issue of the relevant Construction Certificate, an Infrastructure Construction Certificate (including Roads Act s138 permit) shall be approved by Council in relation to all works within the road reserve and public infrastructure on private property (i.e. sewer manhole or main augmentation).
- (14) (B197) Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs inside the southern property boundary. The proposed development shall discharge all sewage to a proposed sewer manhole. Any alterations to existing sewer infrastructure is to occur at no cost to Council.
- (15) (B198) The plans submitted with the application for Construction Certificate shall comply with the recommendations of the Preliminary Noise and Vibration Assessment Report, dated November 2017, prepared by Wilkinson Murray.
- (16) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
  - earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
  - earthworks that are more than 1m above or below ground level (existing) in any other location;

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. The Applicant must submit to Council for approval detailed drawings and specifications prepared by a professional engineer for any structures, including retaining walls, that are to be erected within 1.0m of a sewer manhole.

#### **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:

- a. at completion of installation of traffic management works
- b. when the sub-grade is exposed and prior to placing of pavement materials;
- c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- d. at the completion of each pavement (sub base/base) layer;
- e. before pouring of kerb and gutter;
- f. prior to the pouring of concrete for sewerage works and/or works on public property;
- g. on completion of road gravelling or pavement;
- h. during construction of water infrastructure;
- i. 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) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (4) (D029) The demolition of any existing structure 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*.

- (5) (D045) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before and during times 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.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (3) (E034) Prior to occupation or the issuing of the Final Occupation 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.

- (4) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (5) (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.
- (6) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

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

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (7) (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’.
- (8) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (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 Occupation/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 occupation or subdivision certificate.
- (11) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (12) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council’s current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council’s “CADCHECK” requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the



Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (13) (E195) Prior to Occupation Certificate, a positive covenant shall be registered on the title of the land requiring the collection of all waste by private contractors for the life of the development as separate waste streams in line with industry best practice.

## **F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F016) Offensive odours as defined under the Protection of the Environment Operations Act 1997 shall not be generated by the development.
- (4) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (5) (F025) Hours of operation of the development are restricted to the following hours:
- 8am to 5pm – Mondays to Saturdays
  - No work is to be carried out on Sundays and Public Holidays
- (6) (F030) Parking onsite is to comply with the parking rates in Port Macquarie-Hastings Development Control Plan 2013 for Medical Centres being 3 spaces per consultant and 1 space per 2 staff.