

DRAFT CONDITIONS for DA 100/2019 – 90 Viney Creek Road East Tea Gardens

DEFERRED COMMENCEMENT Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.81(1)

Development Consent No: DA-100/2019

Description: Subdivision

Determination: DEFERRED COMMENCEMENT SUBJECT TO CONDITIONS
ATTACHED

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

1. Arrangements for designated State public infrastructure

Prior to the issue of any construction certificate Council is to be issued with certification from the Director-General that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the development.

Reason: To ensure satisfactory arrangements are in place for public infrastructure.

PART 2 - CONDITIONS

ALL PRECINCTS AND STAGES

GENERAL CONDITIONS

The following conditions must be complied with in all precincts and stages:

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent:

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Overall Site Plan	21800038 Rev C	Tattersall Lander	6/10/20
Plan of Proposed Residential Subdivision Precinct 1 Layout Plan	21800039 Rev C	Tattersall Lander Pty Ltd	6/10/20
Plan of Proposed Residential Subdivision Precinct 2 & 3 Layout Plan	21800040 Rev C	Tattersall Lander Pty Ltd	6/10/20
Plan of Proposed Residential Subdivision Precinct 1 Detail Plan	21800041 Rev C	Tattersall Lander Pty Ltd	6/10/20
Plan of Proposed Residential Subdivision	21800042 Rev C	Tattersall Lander Pty Ltd	6/10/20

Precinct 2&3 Detail Plan			
Central RU2 Area Concept Layout Plan	21800043 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 1 Tree Removal Plan	21800044 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 2-3 Tree Removal Plan	21800045 Rev C	Tattersall Lander Pty Ltd	6/10/20
Plan of Proposed Residential Subdivision Precinct 1 Release Plan	21800046 Rev C	Tattersall Lander Pty Ltd	6/10/20
Typical Sections Sheets 11, 12, 13, 14, 15, 16, 17, 18,	21800047-2180054 Rev C	Tattersall Lander Pty Ltd	6/10/20
Stormwater Management Report for proposed residential subdivision 'Durness Station' Viney Creek Road, Lot 1, 2, 3 & 4 in DP 1154170	n/a	Tattersall Lander Pty Ltd	August 2020
Precinct 1 Basin Detail Plan	2180056 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 1 Basin Sections	2180056 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 1 Basin Details	2180057 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 2 Basin Detail Plan	2180058 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 3 Basin Detail Plan	2180059 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 3 Basin Details	2180060 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 1 Earthworks Cut-Fill Plan	2180062 Rev C	Tattersall Lander Pty Ltd	6/10/20
Precinct 2&3 Earthworks Cut-Fill Plan	2180063 Rev C	Tattersall Lander Pty Ltd	6/10/20
Overall Shared Pathways Plan	2180064 Rev C	Tattersall Lander Pty Ltd	6/10/20
Statement of Environmental Effects for Subdivision and Associated Infrastructure Including Bulk Earthworks Part Lots 1, 2, 3 and Lot 4 in DP 1154170 90 Viney Creek Road East Tea Gardens	n/a	Tattersall Lander Pty Ltd	March 2019
Report on Geotechnical Assessment, Preliminary Site Investigation (Contamination) and Salinity Investigation	Project 81259.01	Douglas Partners	June 2018
Precinct 1,2 and 3 Concept Landscape Plans	217416 Rev A	Tattersall Lander Pty Ltd	n/a
Precinct 3 Riparian Corridor Rehabilitation Plan Physical Works	21800076 - 21800077 Rev A	Tattersall Lander Pty Ltd	18/4/18

Sheets 1 and 2			
Planting Schedule	21800078 Rev A	Tattersall Lander Pty Ltd	18/4/18
Overall Development E2 Lands Staged Dedication Plan	n/a	Tattersall Lander Pty Ltd	18/4/18
Bush Fire Threat Assessment 90 Viney Creek Road East Tea Gardens	n/a	Tattersall Lander Pty Ltd	September 2018

The approved plans and supporting documents endorsed with the Council stamp must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Sequential Staging

The development must be constructed in sequential stages.

Reason: To ensure adequate connections and services.

3. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

4. APZ for Residential Lots to be confined to Residential-zoned Land

Bushfire asset protection zones (APZ) must not encroach on areas set aside for rehabilitation or conservation. Where APZs encroach upon the E2 zoned land they must be confined to areas set aside for roads, drainage and pathways only.

Reason: To protect ecologically significant lands from the impacts associated with bushfire APZs for residential development.

5. Recommendations of the BDAR to be implemented

The registered proprietor of the land, and their agents, shall implement all of the measures set out in s.9 of Wildthing (2018).

Reason: To protect the natural environment.

6. Separate application required for advertising structures

A separate development application must be submitted to, and approved by, Council prior to the erection of any advertisements, signage or advertising structures, other than those approved in this consent or permitted as exempt development.

Reason: To limit the visual impact of advertising signs.

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE FOR ANY PRECINCT AND STAGE

The following conditions must be complied with prior to the issue of a subdivision works certificate for any precinct and stage :

7. No clearing prior to the issuing of a Subdivision Construction Certificate

No clearing of native vegetation or wildlife habitats for any of aspect of the approved development shall commence until such time as a relevant Construction Certificate has been issued.

Reason: To manage impacts on the natural environment

8. Extent of Clearing Work to be marked for each Development Precinct / Stage

Prior to the issuing of a Subdivision Works Certificate, the Registered Proprietor shall engage a Registered Surveyor to survey and identify the areas / individual of native trees and vegetation that are within the areas to be cleared and modified for that development stage.

The area of clearing for each development stage shall be in accordance with the plans entitled "*Precinct 1 tree removal plan*" and "*Precincts 2-3 tree removal plan*", prepared by Tattersall Lander and referred to in condition 1.

Reason: To identify in the field the extent of the clearing works for each development stage.

9. Erosion and Sediment Control/Soil and Water Management Plan

The final Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the Certifying Authority prior to the approval of a Subdivision Works Certificate for each stage of the development. The erosion and sediment control plan must be developed by a Certified Professional in Erosion and Sediment Control (CPESC) with current certification through the International Erosion Control Association (IECA) Australasia. The plan shall detail all required erosion and sediment control measures for each stage of the development and must be prepared in accordance with the guidelines and recommendations contained in The Blue Book ("*Landcom. 2004. Managing Urban Stormwater: Soils and Construction. 4th Edition*"). Sediment basins shall be designed and operated in accordance with the 5 day, 85th percentile design rainfall depth for Nelson Bay.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- I. The plan has been developed, certified and signed off by a Certified Practitioner in Erosion and Sediment Control (CPESC);
- II. The plan has been prepared following the guidelines and recommendations contained in The Blue Book "*Landcom. 2004. Managing Urban Stormwater: Soils and Construction. 4th Edition*";
- III. The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of total suspended solids (TSS); for all active discharges from the premises in all rainfall events up to and including the 5-day, 85th percentile rainfall depth.

Reason: To protect the environment from the effects of erosion and sedimentation.

10. Engineering construction plans

Prior to the issue of a Subdivision Works Certificate for **any stage within the development**, engineering construction plans and specifications must be submitted to and approved by the certifying authority. The plans must include details of the works listed in the table below in accordance with Council's current design and construction manuals and specifications. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Required work	Specification of work
Full width road construction	Full width road and drainage construction for all proposed roads on the approved plan/s.
Service conduits	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
Street lighting	Street lighting must be provided to the requirements of the energy supply authority and <i>Australian Standard AS/NZS 1158: Lighting for roads and public spaces</i> .
Stripping and stockpiling	Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.
Bunding for wash down areas or fuel/ chemical storage areas	Suitable bunding must be constructed around any wash down area or fuel or chemical storage area so as to contain all residues during construction.
Lot Filling	The allotments to be filled must have a minimum longitudinal fall of 1%, to either the proposed internal road(s) and or proposed inter-allotment piped drains.
Inter-allotment drainage	An inter-allotment drainage system to an approved public drainage system for each of the proposed new lots where it is not possible to provide a gravity connection for stormwater runoff from future development on the lot to the kerb and gutter.
Bus Shelter/s - Type and Locality	Plans shall be submitted indicating the locality and type of bus shelter/s to be provided. The applicant shall liaise with Council and all localised operating bus companies with regard to the type of shelter (Adshell for example), any special requirements for the appearance of the shelter, and for advice on the locality of the shelter prior to submitting the plans. Evidence is to be provided to Council of liaison with local bus companies.
Service utilities	All stormwater drainage pipelines and overflow routes, sewer, water, electricity, and telecommunication service lines are to be indicated on the engineering plans. The service lines are to be laid within the road reserves and lots as required by the service provider during construction (i.e. no trenching is to occur through constructed roads etc.). Where necessary, conduits are to be extended from the utility service provided to each lot for future connection (e.g. NBN). Written approval from each service authority is to also be provided.

Street Trees	Street tree locations are to be shown on the submitted plans. Details are to include the: • Tree species. • Tree proximity to footpaths, pipelines, service utility corridors and conduits. • Tree guard, root guard, soil mix profile and maintenance procedure.
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11. Water services approval

Prior to the issue of a Subdivision Works Certificate for **any stage within the development**, a Certificate of Compliance from Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

12. Traffic management plan

Prior to the issue of a Subdivision Works Certificate for **any stage within the development**, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the subdivision must be submitted to and approved by the certifying authority. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard AS 1742.3: *Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction traffic management plan must be implemented prior to the commencement of work.

Reason: To ensure public safety during the construction of the development.

13. Geotechnical report – engineering works

Prior to the issue of a Subdivision Works Certificate for **any stage within the development**, a certificate from a professional geotechnical engineer must be submitted to the certifying authority, certifying that:

- a) the civil engineering works will not be affected by landslip or subsidence either above or below the works;

Reason: To ensure site stability and public safety.

14. Stormwater Treatment System

Prior to issue of subdivision works certificate (**for each stage where relevant**) submit final engineering plans and maintenance plan prepared by a suitably qualified professional engineer or environmental scientist (or equivalent), for the stormwater management system in accordance with:

- the approved Stormwater Management Report
- Current version of 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership (where applicable)

In addition, the engineering plans must detail:

- Type, size and dimensions of each component of the treatment system (including inlet pits, outlet pits, lining and batter slopes)
- Plantings for the bioretention (and batter slopes) from MidCoast Council's fact sheet 'Raingarden plants' (current version), planted at densities indicated in the fact sheet.
- Plantings for the swales.
- Filter media of uniform sandy loam texture with a maximum orthophosphate of 40 mg/kg consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009).
- Maximum batter/side slope no greater than 1:4 (v:h), unless otherwise retained by a structural wall or (as per Council standard) landscaping.
- Construction staging and measures to avoid damage to the bioretention and swales (particularly the filter media) during construction.
- Measures to ensure ongoing permanent protection of the treatment system from vehicle access and sedimentation.

The maintenance plans for the bioretention and swales must include but not be limited to:

- a) the location and nature of stormwater management structures;
- b) requirements for inspection, monitoring and maintenance including the frequency of these activities during the establishment and operational phases; and
- c) identification of responsibilities for maintenance including a reporting protocol and checklists.

Reason: To protect water quality.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT IN ANY PRECINCT AND STAGE

The following conditions must be satisfied prior to the commencement of any building construction or subdivision work in any precinct and stage:

15. Waste Management Plan

Prior to the commencement of works, a waste management plan prepared in accordance with the requirements of Council's Waste Management Policy must be submitted to, and approved by, the certifying authority.

Reason: To ensure adequate and appropriate management of waste and recycling.

16. Subdivision Works Certificate required

Prior to the commencement of any subdivision construction work (including excavation), a Subdivision Works Certificate must be issued by a certifying authority.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

17. Notification of commencement and appointment of principal certifying authority

Prior to the commencement of any building or subdivision construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

18. Toilet facilities - unsewered areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

Reason: To maintain the public health and the natural environment.

19. Site Construction Signs

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- showing the name, address and telephone number of the principal certifying authority for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

20. Traffic control plan

Prior to the commencement of work for **All Stages** a traffic control plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by the certifying authority. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard Australian Standard AS 1742.3: *Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction Traffic Management Plan must be implemented prior to the commencement of work.

Reason: To ensure public health and safety during the construction of the development.

21. Erosion & sediment measures in accordance with approved plans

Erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan for **All Stages** and must be maintained for the duration of the project. The erosion and sediment controls shall be installed under the strict supervision of a Certified Professional in Erosion and Sediment Control (CPESC) with current certification through the International Erosion Control Association (IECA) Australasia.

All erosion and sediment controls shall be maintained until the land is rehabilitated as per Managing Urban Stormwater- Soils and Construction, Landcom, 2004.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

Reason: To protect the environment from the effects of erosion and sedimentation.

22. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and the adjoining property while the development is being constructed. Public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

Reason: To ensure public health and safety during the construction of the development.

23. Site access

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Reason: To ensure public health and safety during the construction of the development.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK FOR ANY PRECINCT AND STAGE

The following conditions must be complied with during any development work in any precinct and stage:

24. Construction of stormwater treatment measures

For each stage where relevant, construct the stormwater management system so that it is consistent with the approved Stormwater Management Report, engineering plans and all other consent conditions.

Install the bioretention filter media in accordance with Water Sensitive Urban Design (WSUD) Engineering Procedures (Melbourne Water, 2005) (current version).

Protect bioretention and swales with erosion and sediment control measures during construction.

Reason: To protect water quality

25. Inspection of stormwater treatment measures

For each stage where relevant, engage a suitably qualified professional engineer to inspect the stormwater treatment during construction. Verify compliance with the approved plans using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (2010) using the following sheets:

- a) Earthworks and functional (hydraulic) structures prior to covering
- b) Filter media including NATA test results confirming compliance with specifications on the plans (for bioretention)
- c) Landscape installation and establishment
- d) Finished levels (works as executed) including filter media depth for the bioretention systems

Submit signed inspection forms to Council including photographs and NATA test results confirming that the stormwater treatment systems have been constructed to comply with the approved engineering plans.

Reason: To protect water quality

26. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

- Monday to Friday, from 7 am to 6 pm.
- Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

27. Construction dust suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c) alter or cease construction work during periods of high wind;
- d) erect green or black shade cloth mesh or similar products, 1.8m high around the perimeter of the site and around every level of the building under construction.

Reason: To maintain amenity during construction of the development.

28. Maintenance of erosion and sediment control measures in accordance with approved plan

Erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project. The erosion and sediment controls shall be installed under the strict supervision of a Certified Professional in Erosion and Sediment Control (CPESC) with current certification through the International Erosion Control Association (IECA) Australasia.

All erosion and sediment controls shall be maintained until the land is rehabilitated as per Managing Urban Stormwater- Soils and Construction, Landcom, 2004.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

Reason: To protect the environment from the effects of erosion and sedimentation.

29. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found whilst undertaking development work, all work must stop and the NSW Office of Environment and Heritage notified. All directions of the relevant agency must be complied with at all times.

Reason: To protect Aboriginal heritage.

30. Comply with traffic management plan

The approved traffic management plan must be implemented and maintained for the duration of the development works.

Reason: To ensure public safety during the construction of the development.

31. Minimising the Risk of Introducing Diseases or Pathogens during Site Works

All site machinery shall be washed down so that they are free of soil and vegetative material prior to entering the subject land.

Soils, mulch and other materials imported to the site for the construction shall be demonstrably free of weed propagules.

Reason: To protect natural areas from risks associated with plant diseases and pathogens and implement recommendations of the BDAR.

32. Confining construction impacts to the development site

Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All material stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

Reason: Statutory requirement.

33. Clearing Areas to be Minimised and Managed

During works to construct each development precinct / stage, the clearing, harm and removal of remnant native trees shall be strictly minimised. Tree pruning, in accordance with arboricultural standards, shall be utilised in preference to complete removal, where feasible.

For each development precinct / stage:

- Prior to clearing work, the Registered Proprietor shall erect orange safety mesh barrier or safety fencing around the perimeter of the approved development site to protect adjacent areas from disturbance,
- The clearing of native vegetation / habitat for the work shall follow the marking of the extent of clearing work as required in these conditions,
- The marked clearing limits as required in these conditions shall be maintained during the clearing work,
- Stockpiles, site offices, parking areas and storage and handling areas shall be confined to already cleared areas.

Reason: To minimise the impacts of the development on native vegetation outside approved development areas and implement recommendations of the BDAR.

34. Vegetation Clearance Protocol

In undertaking approved tree and vegetation clearing work on the land, the following shall be undertaken:

- Tree and native vegetation clearing shall only be conducted by licensed and experienced clearing contractors acting under the direction of an appointed, suitably-qualified and experienced project ecologist, and
- The project ecologist shall survey for, identify and clearly mark all hollow-bearing trees that occur within the approved clearing areas prior to any clearing. Habitat trees within approved clearing areas are identified on the plans entitled "*Precinct 1 tree removal plan*" and "*Precinct 2-3 tree removal plan*", prepared by Tattersall Lander, Rev. B Draft (undated), and
- A 2-stage tree removal program shall be adopted where all non-hollow bearing trees are removed first and then habitat trees are felled after the general clearing is completed. Habitat trees are to be removed in accordance with the protocol set-out below in this condition, and
- During approved tree clearing activities:
 - a. The project ecologist shall work cooperatively with the clearing contractors to develop and implement an adaptive clearing methodology to minimise impacts to fauna, and
 - b. Removal of trees shall be conducted using directional felling away from trees that are to be retained, and
 - c. Removal of trees shall be conducted in a manner that avoids the movement of heavy machinery in the root zones of trees that are to be retained, and
 - d. The project ecologist shall conduct a pre-clearing survey on the morning of general tree / native vegetation clearance to survey for the presence of large bird nests and arboreal mammals (particularly koalas). If a koala is observed, all work shall cease in an area of a 100-metre radius around the animal until such time as it has vacated the site of its own free will, and
 - e. Logs, large limbs (>10cm in diameter) and root balls from felled trees shall be collected and placed in cleared areas of the currently unvegetated parts of the E2 zoned land on the site as directed by the project ecologist as habitat for ground fauna.

All upper branches and foliage of felled vegetation shall be mulched and this mulch shall be placed in cleared areas of the E2 zoned land on the site as directed by the project ecologist, and

f. Windrowing and pile-burning shall be avoided, and

g. Trees and clumps of trees that are to be protected shall be appropriately protected through the use of protective fencing, signage and other practical measures.

- Measures shall be installed that will ensure that no damage or clearing occurs outside the approved development footprint, and
- The following habitat tree management requirements shall be implemented:
 - Habitat trees shall be physically nudged by machinery on the day prior to their scheduled removal, and
 - Removal of identified habitat trees shall be conducted by qualified contractors with an appropriately trained project ecologist in attendance who shall inspect the hollows and recover any injured or displaced native fauna, and
 - Habitat trees shall be felled sensitively using dismantling or other sensitive technique to minimise animal mortality and injury risks and the arborists shall inspect the hollows progressively as they work, and
 - Displaced, uninjured native fauna collected during the work shall be released in suitable retained habitats on the property in the E2 zoned area. Nocturnal animals shall be appropriately held and released at dusk on the day of capture. Injured native fauna shall be taken immediately to the care of a local veterinarian, with long-term post-clinical care to be provided by an approved wildlife carer. Captured non-native fauna must be humanely-euthanised. All records of fauna species observed during the work shall be submitted to the NSW BioNet database, and
 - Natural limb hollows shall be collected and refurbished as nesting hollows (where possible) and otherwise, nesting boxes shall be obtained and installed on a 2:1 ratio for each natural hollow removed from trees felled on the site. Nesting boxes shall be professionally installed and aim to offset the loss of natural hollows. Nesting boxes are to be constructed from durable materials and established in accordance with suitable reference guides (such as *"Build your own nest box – a guide for Western Sydney"* by Greater Sydney Local Land Services), and
 - The project ecologist shall provide a report to Council's Senior Ecologist within one-week of each habitat tree-clearing operation. This report shall outline the results of the operation including details of the hollows removed (number, entrance diameter, cavity length, cavity dimension), nesting boxes installed, fauna species affected (including number, sex, breeding status) and whether, if vacant, the hollow contained evidence of previous use by native fauna.

Reason: To manage tree and vegetation clearing in a manner that assists protect the natural environment and implement recommendations of the BDAR.

35. Site Landscaping

The Registered Proprietor shall engage a suitably qualified Landscape Architect to coordinate / establish the landscaping associated with each stage of the approved subdivision, including street trees, in accordance with the details provided within the:

"Precinct 1 Concept Landscape Plan" and *"Precinct 2-3 Concept Landscape Plan"*, prepared by Tattersall Lander and submitted with the development application.

Reason: To establish landscaping for amenity and habitat.

36. Construction of Bike Path

The bike path in the E2 zoned land shown and described on the plan entitled "*Precinct 3 Riparian Corridor Rehabilitation Plan Physical Works Sheet 1 Durness Station Viney Creek Road, Tea Gardens*" by Tattersall Lander, dated 18/4/18 shall be constructed as part of the subdivision construction work for Precinct 3 (Stage 3).

Reason: To construct the identified bike path in the E2 zoned land.

37. Site Contamination

If soils containing anthropogenic inclusions or staining/odours, or soils other than those found on the site during the assessment are encountered during construction, advice should be obtained from a relevant specialist on management and disposal requirements and works must immediately cease.

Council, the Principal Certifying Authority, and where appointed the accredited site auditor, must be notified in writing within seven (7) days.

Works shall not recommence on-site until authorised by Council.

Reason: To prevent pollution from contaminated soils.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR ANY PRECINCT AND STAGE

The following conditions must be satisfied prior to the issue of a subdivision certificate for any precinct and stage:

38. S7.11 contributions (haulage)

Prior to the issue of a Subdivision Certificate for any stage of the development, a monetary contribution must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

A haulage rate is to be determined at the rate of 0.04 cents per tonne x kilometre travelled for each stage of the development. Details of the amount of fill that has been imported to the site or the material that has been excavated and removed from the site for each stage of the development must be submitted to Council for the purpose of calculating the haulage levy relative to that particular stage.

Contribution rates are subject to indexation.

The Contributions Plan and the Standard Schedule for Section 7.11 Plans may be viewed on Council's web site or at Council's offices.

Reason: To provide for the improvement of facilities and services.

39. Plan of subdivision

An application for a subdivision certificate must be made on the approved form and must be accompanied by the subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges. Three (3) copies of the plan of subdivision must be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access

driveways/roads must be indicated on one copy of the plan.

Reason: To ensure adequate identification of boundaries and the location of structures.

40. Section 7.11 contributions

Prior to the issue of a subdivision certificate for any stage, a monetary contribution of \$13,211.80 per newly created lot must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

Contribution rates are subject to indexation. The Contributions Plan and the Standard Schedule for Section 7.11 Plans may be viewed on Council's web site or at Council's offices.

Reason: Statutory requirement to be paid towards the provision or improvement of amenities and services.

41. Section 88B Instrument

Prior to the issue of a subdivision certificate, for **All Stages** an instrument created under Section 88B of the *Conveyancing Act 1919* must be registered on the title of the land, with MidCoast Council nominated as the party to release, vary or modify the restriction. The Section 88B Instrument must provide for the items listed in the following table:

Items for inclusion in the Section 88B Instrument	Details of Item
Water Sensitive Design Measures	Each dwelling is to have a minimum 3,000 L rainwater tank collecting 100% of the roof area for reuse in toilets, laundry and outdoors. Maintenance to be identified as the responsibility of the individual land owner.

Reason: To protect water quality

42. Bank Guarantee for construction and maintenance of Stormwater system (bioretention swales and swales)

Prior to release of the final plan of subdivision for **each stage that contains and drains to bioretention swale or swale**, a bank guarantee between Council and the developer must be submit to Council representing the value of 1.5 times the value adjusted to CPI of:

- establishment maintenance of the bioretention plantings for 2 years based on \$10.90/m²/year in \$2020.
- Maintenance of the bioretention basin for 3 years post the establishment period based on \$5.45/m²/year in \$2020.

Contribution rates are to be subject to indexation after 30 June each year. The bank guarantee may be proportionally released once each component for each stage of the development is completed to the satisfaction of Council.

Reason: To ensure the bioretention are installed, established and maintained.

43. Certificates for engineering works

Prior to the issue of a subdivision certificate **for all stages**, all test certificates, owner's manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, must be submitted to Council. A certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's adopted engineering standards must also be submitted to Council.

Reason: To ensure civil works are constructed in accordance with the approved plans and Council specifications.

44. Works-as-executed plans

Prior to the issue of a subdivision certificate **for all stages**, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be submitted to Council. Where the design is carried out utilising computer aided design (CAD), all CAD computer files must be provided on compact disc (CD) with the final drawings. The CAD files must include all lot and road boundaries, lot numbers and easements. The data must be supplied in accordance with the requirements of Council's GIS Officer.

Where development involves filling of flood prone land, an additional copy of the works-as-executed plan relating to earthworks and final plan of subdivision must be submitted detailing the 1% annual exceedance probability (AEP) flood contour.

Reason: To provide Council with accurate records of civil works

45. Certificate for pipes, access driveways, etc. within easements

Prior to the issue of a subdivision certificate **for all stages**, a certificate from a registered surveyor must be submitted to the certifying authority certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements **where applicable**.

Reason: To ensure works are constructed in accordance with the approved plans and Council.

46. Utility supply certificate

Prior to the issue of a subdivision certificate **for all stages**, the provision of written confirmation must be submitted to Council from the relevant service authorities stating that satisfactory arrangements have been made for the provision of the following services to each lot:

- a. telecommunications
- b. electricity supply
- c. national broadband network
- d. water supply
- e. sewerage

Reason: To ensure that utility services have been provided to the newly created lots.

47. Defects liability bond for civil works

Prior to the issue of a subdivision certificate **for all stages**, a defects liability bond, must be paid to Council. The bond is to cover any defects to civil works arising within one year from issue of the subdivision certificate.

Reason: To ensure any defects in civil works are rectified.

48. Street name application

Prior to the issue of a subdivision certificate **for all stages**, an application for the naming of each new road must be submitted on Council's 'New Roads Name Application' form, together with payment of all associated fees. The street names must be approved by Council and shown on the plans submitted with the application for subdivision certificate.

Reason: To ensure adequate identification of new streets.

49. Erection of street signs

Prior to the issue of a subdivision certificate **for all stages**, street signs for the approved street names must be installed at no cost to Council.

Reason: To ensure properties can be easily identified.

50. Completion of works

Prior to the issue of a subdivision certificate **for all stages**, all roads, temporary turning heads/cul-de-sacs, drainage and civil works, required by this development consent and associated construction certificate, must be completed. Works must include the restoration, replacement and/or reconstruction of any damage caused to surrounding public infrastructure, including damage to road pavements along any haulage routes used for the construction of the subdivision.

Reason: To ensure civil works are appropriately constructed.

51. Inspections of engineering work

Prior to the issue of a subdivision certificate **for all stages**, all engineering work must comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion must be issued by Council.

Reason: To ensure compliance with Council's specification for engineering works.

52. Street tree planting

Prior to the issue of a subdivision certificate **for all stages**, street trees must be planted in accordance with Council's guide for street tree planting and the approved street tree plan/s.

Reason: To provide streetscape amenity.

53. National broadband network

Prior to the issue of a subdivision certificate **for all stages**, an underground connection to the national broadband network must be provided to each lot and a certificate of practical completion from the national broadband network authority must be submitted to the certifying authority stating that an underground connection to the national broadband network has been provided to each lot.

Reason: To ensure that utility services have been provided to the newly created lots.

54. Geotechnical report - soil classification

Prior to the issue of a subdivision certificate **for all stages**, the classification of the soil type by a qualified professional geotechnical engineer, in accordance with the requirements of Australian Standard AS 2870: *Residential slabs and footings* must be submitted to the certifying authority.

Reason: To ensure that compliance with relevant standards.

55. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument **for all stages** shall establish the following title encumbrances with the relevant authority being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Sewer easements	The creation of any necessary easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.
Inter-allotment drainage easements	The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments.

Reason: To ensure proper management of land

ONGOING USE FOR ANY RELEVANT PRECINCT AND STAGE

The following conditions must be satisfied during the ongoing use of the development for all relevant precincts and stages:

56. Maintenance and monitoring of stormwater treatment measures

Maintain the Council owned bioretention and swales in accordance with the approved Water Sensitive Design Maintenance plan for a period of five years from the registration of the subdivision certificate for each stage where relevant.

Submit an annual report to Council for the previous calendar year detailing maintenance activities for the bioretention swales and swales in accordance with the approved Water Sensitive Design Maintenance Plan and monitoring and adaptive management plan.

At the end of the five year maintenance period, a report detailing maintenance for the bioretention swales and swales is to be provided to Council. The applicant is to demonstrate that the bioretention swales and swales are sufficiently established with at least 80% of plants surviving and no apparent defects to the system. If this benchmark is not achieved then rectification works and a further 12 months maintenance shall apply

and be carried out by the applicant. This assessment and rectification will continue until identified benchmarks are met.

At the end of this five year maintenance period for each stage, the bank guarantee (for each stage) will be refunded if, following inspection, the benchmarks identified are been met.

Reason: To ensure the stormwater treatment system is maintained to protect water quality

CONDITIONS SPECIFIC TO PRECINCT 1 – ALL STAGES

The following conditions must be complied with prior to the release of a Subdivision Works Certificate for all stages within Precinct 1:

57. Plans of retaining walls and drainage

Prior to the issue of a Subdivision Works Certificate for **all stages within Precinct 1**, plans and specifications of retaining walls or other approved methods of preventing the movement of soil, where excavation or fill exceeds 600mm above or below the existing ground level must be submitted to and approved by the certifying authority. Adequate provision must be made for drainage in the design of the structures.

Reason: To ensure site stability and safety.

The following conditions must be complied with during works for all stages within Precinct 1:

58. Site contamination

Inspection and additional testing of stockpiled filling within the south-eastern portion of stage 1 should be conducted during development to confirm the geotechnical and contamination suitability for reuse.

Reason: To prevent contamination

The following conditions must be complied with prior to the issue of a Subdivision Certificate for all stages within Precinct 1:

59. Restoration activities in accordance with the Planning Agreement and DCP

- a. Prior to the issuing of a Subdivision Certificate for Development Precinct 1, the Registered Proprietor of the land shall:
 - Pay Council the sum of \$174,970 (or part thereof, depending upon the extent of work completed by the Developer) as per Schedule 5 of the executed *Planning Agreement North Shearwater*
- b. Prior to the issuing of a Subdivision Certificate for Precinct 3, the Registered Proprietor of the land shall:
 - Transfer the “*Designated Land*” (excluding road corridors on the plan entitled “*Overall Development E2 Lands Staged Dedication Plan Durness Station Viney Creek Road, Tea Gardens*” prepared by Tattersall Lander dated 18/4/18) in

Annexure 1 of the executed *Planning Agreement North Shearwater* plus the additional area shown on the aforementioned plan as the “*Precinct 4 dedication*” to the ownership of MidCoast Council (at no cost to Council).

- Pay Council the sum of \$91,250 as per Schedule 5 of the executed *Planning Agreement North Shearwater*

In accordance with Part 6.4 of the Planning Agreement the amounts payable by the Developer are subject to indexation.

Reason: To execute the Planning Agreement and deliver conservation outcomes

60. Practical Completion of Site Landscaping for each Development Stage

A Subdivision Certificate for each stage of the approved development shall not be issued until such time as a Landscape Architect has provided Council with a written certification that the landscaping required in these conditions for the appropriate development stage has been established.

Reason: To establish landscaping on the site at each development stage for amenity and habitat.

61. Establish Designated Land (and other conservation areas) as separate allotments for subsequent dedication

The areas of “*Designated Land*” in Annexure 1 of the Executed *Planning Agreement North Shearwater* (excluding road corridors on the plan titled “*Overall Development E2 Lands Staged Dedication Plan Durness Station Viney Creek Road, Tea Gardens*” prepared by Tattersall Lander dated 18/4/18) and the area shown on the Tattersall Lander 18/4/18 plan as the “*Precinct 4 dedication*” shall be created as an allotment(s) within the Precinct 1 subdivision.

Reason: To satisfy the requirements of the executed Planning Agreement and to achieve the conservation outcomes of the development application.

62. Structural Engineers Report – Precinct 1

Prior to the issue of a Subdivision Certificate **for all stages within Precinct 1**, a report from a qualified structural engineer must be submitted to and approved by the certifying authority. The structural report is to certify the adequacy of the retaining walls upon all benched allotments to support the associated lateral, surcharge and axial loads.

Reason: To ensure structural stability and safety of the completed retaining walls.

63. Addendum to Restoration Management Plan

Prior to the issuing of a Subdivision Certificate for Stage 1, the Registered Proprietor shall engage a suitably-qualified Ecologist and Bushland Regenerator to prepare an addendum to the *Restoration Management Plan – North Shearwater Release Area* (prepared by Ecobiological, 2011). The addendum shall identify the active restoration of the area generally identified as Area 4 and part Area 1 of Figure 1 in Ecobiological (2011). The addendum to the Restoration Management Plan shall refer to the information provided on the plan set identified as “*Precinct 3 Riparian Corridor Rehabilitation Plan Physical Works Sheets 1 and 2 Durness Station*” (and the associated *Planting Schedule*) prepared by Tattersall Lander, dated 18/4/18, except where amended by this condition. The addendum will describe active landform

modifications and replanting to create biodiverse open forest and wetland communities.

The addendum shall document:

- a) The general location and nature of physical landform modifications (contour banks, leaky weirs, etc) designed to slow water flows and retain soil moisture in the landscape,
- b) The target climax vegetation types (and planting schedule) that is proposed for each of the three zones within the works area. In this regard, the Type 3 Regeneration Area shall comprise a swamp sclerophyll forest / freshwater wetland type,
- c) The specific activities, responsibilities and timing of the work to rehabilitate functional native vegetation, including open forests and wetlands in the works area, including methods associated with weed control, planting, maintenance and protection, including sediment and erosion controls, and
- d) Be prepared in a manner that is consistent with the plan of Ecobiological (2011).

Reason: To guide the active restoration and revegetation of the riparian corridor.

CONDITIONS SPECIFIC TO PRECINCT 1 – STAGE 1A

The following conditions must be complied with prior to the release of a Subdivision Works Certificate for Stage 1A

64. Speed Zone Reduction

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1A**, the applicant shall provide plans to Council and Transport for NSW indicating the proposed location of advanced warning signs and appropriate line marking for speed reduction to 60 Klm/h on Myall Way within the vicinity of the intersection between Myall Way and Viney Creek Road East. Line marking at the intersection itself is to be in accordance with the approved line marking plan under DA 236/2014. Documentary evidence from Mid Coast Council and Transport for NSW indicating both parties' concurrence with the plans shall also be submitted for approval.

Reason: To ensure appropriate Safe Intersection Sight Distance at the intersection and to cater for the increase in traffic movement.

65. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 1 – Stage 1A**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below:

Required work	Specification of work
Kerb & gutter, road shoulder construction	Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing including any necessary relocation of services or signage across the frontage of the subdivision as shown on the approved plan.
Footpath construction across the frontage of the subdivision.	A 2.5 metre wide shared concrete footpath on the eastern side of Viney Creek Road East/Road 1 as identified on the approved plans.
Footpath/cycleway construction	A 1.2 metre wide concrete footpath and a 2.5m wide shared footpath/cycleway for all proposed pathways identified on the approved plan.

On-site stormwater detention	Stormwater must be discharged via an on-site stormwater detention system that is to be designed to ensure that peak flow rates for the 1% AEP storm event exiting the subdivision do not exceed that occurring in the pre-development state. The Design must be in accordance with The Institution of Engineers, Australia <i>Australian Rainfall and Runoff</i> .
Stormwater outlets	An energy dissipating mechanism with a suitably installed locked grated outlet to all pipes or any other drainage structures discharging to an open area. Grates must be of galvanised weldlock construction.
Access to stormwater structures	Vehicle access must be provided to detention ponds, drainage discharge points, filter controls and wetland areas for access by Council for maintenance purposes.

Reason: To ensure works are constructed to a suitable standard.

66. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1A**, a Damage Bond Application form together with payment of a bond in the amount of \$25,647.01 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

67. Landscaping plan

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1A**, plans and specifications detailing the landscaping treatment of the site must be submitted to and approved by the certifying authority. The plan must be prepared by a suitably qualified landscape architect or horticulturalist that has appropriate experience and competence in landscaping and must include the following information:

- a) location of trees identified for retention in the development application plans,
- b) proposed location for planted shrubs and trees,
- c) botanical names and pot supply sizes of shrubs and trees to be planted,
- d) mature height of trees to be planted,
- e) stormwater detention or bio-retention systems;
- f) street tree planting, where appropriate.
- g) Detail of proposed plantings for the 5m landscape easement/positive covenant along Viney Creek Road.

Reason: To maintain environmental and streetscape amenity.

The following conditions must be satisfied prior to the issue of a subdivision certificate for Stage 1A:

68. Completion of line marking and speed reduction

Prior to the issue of a subdivision certificate for **Precinct 1 - Stage 1A**, the line marking and speed reduction measures for the intersection of Myall Way and Viney Creek Road East are to be completed in accordance with the approved plans.

Reason: To ensure appropriate Safe Intersection Sight Distance at the intersection and to cater for the increase in traffic movement.

69. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument for **Precinct 1 - Stage 1A** shall establish the following title encumbrances with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Drainage reserve	The dedication of a drainage reserve over the drainage treatment devices and constructed access.
Vegetated Buffer – Viney Creek Road East	‘Restriction on the Use of Land’ prohibiting any alteration to the vegetated buffer. “Positive Covenant” requiring the registered proprietor to ensure protection and on-going maintenance of the vegetated buffer.

Reason: To ensure proper management of land

CONDITIONS SPECIFIC TO PRECINCT 1 - STAGE 1B

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Stage 1B of the development.

70. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 1 – Stage 1B**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Footpath/cycleway construction	A 1.2 metre wide concrete footpath for all proposed pathways identified on the approved plan.

Full width road construction	Full width road parking and drainage construction for all proposed roads on the approved plan. Provision of temporary cul-de-sac heads or T intersections on the eastern end of Road 2, 4 and 5 with required pavement diameter/width compliant to Rural Fire Service & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: a) Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. b) Have a minimum radius of 8.5m. c) Have a minimum two coat bitumen seal. d) Have reflector posts at maximum 3m spacing around the perimeter. e) Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night
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Reason: To ensure works are constructed to a suitable standard.

71. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1B**, a Damage Bond Application form together with payment of a bond in the amount of \$18,413.24 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

CONDITIONS SPECIFIC TO PRECINCT 1 - STAGE 1C

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Stage 1C of the development.

72. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 1 – Stage 1C**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Footpath/cycleway construction	A 1.2 metre wide concrete footpath for all proposed pathways identified on the approved plan.
Full width road construction	Full width road parking and drainage construction for all proposed roads on the approved plan. Provision of temporary cul-de-sac heads or T intersections on the eastern end of Road 2, 4 and 5 with required pavement diameter/width compliant to Rural Fire Services & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: a) Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. b) Have a minimum radius of 8.5m. c) Have a minimum two coat bitumen seal. d) Have reflector posts at maximum 3m spacing around the perimeter. e) Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night

Reason: To ensure works are constructed to a suitable standard.

73. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1C**, a Damage Bond Application form together with payment of a bond in the amount of \$18,413.24 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

CONDITIONS SPECIFIC TO PRECINCT 1 - STAGE 1D

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Stage 1D of the development.

74. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 1 – Stage 1D**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Kerb & gutter, road shoulder construction	Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing including any necessary relocation of services or signage across the frontage of the subdivision.
Footpath construction across the frontage of the subdivision.	A 2.5 metre wide shared concrete footpath on the southern side of Road 1 as identified on the approved plans.
Footpath/cycleway construction	A 1.2 metre wide concrete footpath and a 2.5m wide shared footpath/cycleway for all proposed pathways identified on the approved plan.

Temporary Head	Turning	Provision of temporary cul-de-sac head or T intersection on the eastern end of Road 1 with required pavement diameter/width compliant to Rural Fire Services & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: a) Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. b) Have a minimum radius of 8.5m. c) Have a minimum two coat bitumen seal. d) Have reflector posts at maximum 3m spacing around the perimeter. e) Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night
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Reason: To ensure works are constructed to a suitable standard.

75. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1D**, a Damage Bond Application form together with payment of a bond in the amount of \$20,306.09 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

The following conditions must be satisfied prior to the issue of a subdivision certificate for Stage 1D:

76. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument for **Precinct 1 - Stage 1D** shall establish the following title encumbrances with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Drainage reserve	The dedication of a drainage reserve over the drainage treatment devices and constructed access.

Reason: To ensure the proper management of land.

CONDITIONS SPECIFIC TO PRECINCT 1 - STAGE 1E

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Stage 1E of the development.

77. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 1 – Stage 1E**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Footpath/cycleway construction	A 1.2 metre wide concrete footpath and a 2.5m wide shared footpath/cycleway for all proposed pathways identified on the approved plan.

Temporary Head	Turning	Provision of a temporary cul-de-sac head or T intersection on the eastern end of Road 9 with required pavement diameter/width compliant to Rural Fire Services & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: a) Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. b) Have a minimum radius of 8.5m. c) Have a minimum two coat bitumen seal. d) Have reflector posts at maximum 3m spacing around the perimeter. e) Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night.
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Reason: To ensure works are constructed to a suitable standard.

78. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 1 - Stage 1E**, a Damage Bond Application form together with payment of a bond in the amount of \$17,755.63 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

CONDITIONS SPECIFIC TO PRECINCT 2

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Precinct 2 of the development.

79. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 2**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Footpath/cycleway construction	A 1.2 metre wide concrete footpath and a 2.5m wide shared footpath/cycleway for all proposed pathways identified on the approved plan.
Access handle	A minimum 3 metre wide concrete driveway within the access handle of proposed Lots 235 & 236.
All weather fire trail	The access is to be suitable for two (2) wheel drive vehicles with a 4m wide two coat 14/7mm bitumen sealed wearing surface. Pavement thickness shall be 150mm minimum depth within a 6m wide formation. A lockable chain gate or removable bollard is to be provided at each end with appropriate signs to indicate location of the trail. The fire trail is to include a passing bay in accordance with RFS requirements.
Sediment basin, service road & stilling pond	The service road access is to be suitable for two (2) wheel drive vehicles with adequate reinforcement provided
Culverts required across drainage channels or streams	The culvert must be designed to ensure that peak flow rates for the 1% AEP storm event are not affected.
Full width road construction	Full width road parking and drainage construction for all proposed roads on the approved plan. Provision of a temporary cul-de-sac head or T intersection on the eastern end of Road 2 with required pavement diameter/width compliant to Rural Fire Services & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: - Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. - Have a minimum radius of 8.5m. - Have a minimum two coat bitumen seal. - Have reflector posts at maximum 3m spacing around the perimeter. - Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night.

Reason: To ensure works are constructed to a suitable standard.

80. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 2**, a Damage Bond Application form together with payment of a bond in the amount of \$27,619.86 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following the issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

81. Ecosystem and Species Credits Requirement

Prior to the issue of the Subdivision Works Certificate for precinct 2, the class and number of ecosystem credits identified in the following table must be retired to offset the residual biodiversity impacts associated with the development:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant Community Type(s) that can be used to offset the impacts from development
PCT1548 – Tallowwood – Small-fruited Grey Gum – Kangaroo Grass grassy tall open forest on foothills of the lower North Coast PCT1548 – Paddock trees	42	Karuah Manning, Macleay Hastings, Mummel Escarpment and Upper Hunter or Any IBRA subregion that is within 100km of the outer edge of the impacted site	Northern Hinterland Wet Sclerophyll Forests less than 50% cleared (including PCTs 690, 697, 698, 755, 1092, 1262, 1267, 1268, 1281, 1385, 1548, 1549, 1550, 1556, 1557, 1558, 1564, 1565, 1580, 1582, 1584, 1585, 1845, 1846, 1847, 1914)
Impacted species credit species	Number of species credits	IBRA sub-region	Like-for-like options
<i>Diuris praecox</i> (Rough Doubletail)	26	Any in NSW	-

Local stewardship sites for offsets are required under the Great Lakes DCP 2014. The registered proprietor shall use their best endeavours to find and retire credits from the local area (10-km radius of the property) or the MidCoast Council area. The registered proprietor shall outline the results of efforts undertaken to secure local stewardship sites for the purpose of offsets.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to the issue of the Subdivision Construction Certificate for development precinct / stage 2.

Reason: Statutory requirement

The following conditions must be satisfied prior to the issue of a Subdivision Certificate for Precinct 2:

82. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument **for Precinct 2** shall establish the following title encumbrances with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Drainage Easement	The creation of suitable easements in favour of Council to access, maintain and drain water over the temporary basin.
Rights of carriageway	The creation of suitable rights of carriageway over the access handles of proposed lots 235 & 236.
Fire Trail	The dedication of the Fire Trail to Council as Public Road Reserve.

CONDITIONS SPECIFIC TO PRECINCT 3

The following conditions must be complied with prior to the issue of any Subdivision Works Certificate for Precinct 3 of the development.

83. Engineering construction plans

Prior to the issue of a subdivision works certificate for **Precinct 3**, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Kerb & gutter, road shoulder construction	Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing including any necessary relocation of services or signage across the frontage of the subdivision.
Footpath/cycleway construction	A 1.2 metre wide concrete footpath and a 2.5m wide shared footpath/cycleway for all proposed pathways identified on the approved plan.

Sporting field/Recreation area construction	Minimum 100mm depth sandy loam topsoil on sporting field Seed - Grass cover minimum 90% - Kikuyu (<i>Pennisetum clandestinum</i>) or; Turf - Kikuyu (<i>Pennisetum clandestinum</i>) for finished playing surface on sporting field. 8 week maintenance period from practical completion of stage 3. • All irrigation and tap localities to be included on the submitted plans as well as the proposed limit of works for the shared footpath extending east from Road 2. • Grass to be mown to 50mm and turf to be maintained to be min 90% cover. • The maintenance period will be extended until the condition is to Council's satisfaction and meets minimum coverage.
Access handle	A minimum 3 metre wide sealed driveway (concrete or similar) within the access handle of proposed Lots 314,315,318,319, 322 and 323.
Culverts required across drainage channels or streams	The culvert must be designed to ensure that water does not overtop Road 2 during a 1% AEP storm event.
Temporary Turning Head	Provision of a temporary cul-de-sac head or T intersection on the eastern end of Road 1 with required pavement diameter/width compliant to Rural Fire Services & Council requirements. Appropriate signage, pavement and drainage specifications are to accompany the plans submitted for the temporary cul-de-sac/turning head. Any temporary turning head is to: a) Be maintained at the developer's cost and located within the developer's residue lot with a right of carriageway over it in favour of Council. If it must be located within the road reserve, a bond is to be held by Council to the value of replacing it with a permanent turning area. b) Have a minimum radius of 8.5m. c) Have a minimum two coat bitumen seal. d) Have reflector posts at maximum 3m spacing around the perimeter. e) Include sight boards or equivalent to designate the end of the road where a high speed approach hazard is possible, particularly at night.

Reason: To ensure works are constructed to a suitable standard.

84. Bond required guaranteeing against damage to public land

Prior to the issue of a Subdivision Works Certificate for **Precinct 3**, a Damage Bond Application form together with payment of a bond in the amount of \$27,619.86 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following the issue of a subdivision certificate.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets

85. Internal vehicular access

Prior to the issue of a Subdivision Works Certificate for **Precinct 3**, plans and specifications prepared in accordance with AS/NZS 2890.1-2004: Parking facilities, Part 1: Off-street car parking must be submitted to and approved by the certifying authority.

The plan must include the following:

- a) Detail of vehicular access from the edge of road formation to the proposed car spaces.
- b) Pavement description being concrete, asphalt or similar
- c) Car park and driveway layout;
- d) Longitudinal section along the critical edge of the vehicle travel path from the edge of road formation to the car spaces;
- e) Cross sections at appropriate intervals, with a maximum separation of 15 metres.
- f) Drainage (pipes, pits, on-site detention, etc.).
- g) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- h) One accessible car parking space designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities ;
- i) Turning paths; and
- j) Line-marking and signs.

Reason: To ensure suitable vehicular access is provided to the development.

86. Unformed Road Reserve to be acquired

Prior to the issue of a Subdivision Works Certificate for Precinct 3, the existing unformed road reserve currently known as Lot 3 DP 1154170 shall be formally acquired by the applicant. Evidence that an application has been lodged with the NSW Land Registry Services for the acquisition of the unformed road reserve will be required to be submitted to the certifying authority prior to the release of the Subdivision Works Certificate for Precinct 3.

Reason: To produce a cohesive allotment free of impediment and eradicate the potential conflict between the existing unformed road reserve and the proposed physical works of the subdivision.

The following conditions must be satisfied prior to the issue of a subdivision certificate for Precinct 3:

87. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument **for Precinct 3** shall establish the following title encumbrances with MidCoast Council being nominated as the sole

authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Easement for services for access handle	The creation of suitable easements for services over the access handles of proposed Lots 314,315,318,319, 322 and 323.

Reason: To ensure the proper management of land.

88. Additional restoration activities – riparian area

Prior to the issuing of a Subdivision Certificate for Development Precinct 3, the Registered Proprietor of the land shall implement the actions identified in the “*Addendum to Restoration Management Plan*” as required in these Conditions, being the work to restore and revegetate the riparian area.

Reason: To deliver restoration activities over the watercourse and riparian land in the Precinct 3 dedication area.

OTHER AGENCY CONDITIONS

NSW Rural Fire Service requirements

The development must be carried out in compliance with the following conditions detailed in the General Terms of Approval, reference No. DA-2019-01081, dated 20 April 2020.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the issue of a subdivision certificate and in perpetuity, the entire area of each residential lot and the full width of any road reserves or fire trail must be managed as an inner protection area (IPA). The IPA must comprise:
- Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;

- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

Precinct 1:

- b) A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the residue lot around the respective sub-stages of Precinct 1 for the purpose of a 20 metre wide temporary asset protection zone (APZ). The APZ shall be managed as an IPA as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas.
- c) A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over the following Lots to prohibit the construction of a dwelling or Class 10 building within 10 metres of a dwelling within the nominated area:
- Lot 45, 46, 82 - 85 and 146 - 153 measuring 52 metres wide from the eastern boundary of Lot 45 and 46 and the eastern boundary of the road reserve for Road 4; and
 - the southern portion of Lots 124 and 125, measuring 27 metres from the southern boundary of the road reserve for Road 9.

Precinct 2:

- d) A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over the following Lots to prohibit the construction of a dwelling or Class 10 building within 10 metres of a dwelling within the nominated area:
- Lot 209 - 224 measuring 52 metres wide from the northern boundary of the road reserve for Road 2;
 - Lot 225 - 231 and 234 - 236 measuring 42 metres wide from the northern boundary of the road reserve for Road 2;
 - Lot 236 and 237 measuring 33 metres wide from the north-eastern boundary of the road reserve for Road 10;
 - Lot 237 - 239 measuring 33 metres wide from the eastern boundary of the road reserve for Road 10;
 - Lot 233 and 239 - 242 measuring 33 metres wide from the southern boundary of the road reserve for Road 10; and
 - Lots 209 - 230 and Lot 232 measuring 17 metres wide from the southern boundary of the fire trail.

Precinct 3:

- e) A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over the following Lots to prohibit the construction of a dwelling or Class 10 building within 10 metres of a dwelling:
- Lot 301, 323 and 331 measuring 27 metres wide from the eastern boundary of the lots;
 - Lot 326 - 330 measuring 21 metres wide from the northern boundary of the lots; and

- Lots 309 - 313, 316, 317, 320, 321 and 324 - 331 measuring 21 metres wide from the respective western or southern boundary of the road reserve for Road 13.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- f. All fencing shall comply with the NSW RFS Community Resilience Fact, Fact 2/06 'Dividing Fences'.

Access - Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- g. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'

Access - Property Access

The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- h. Access to battle-axe lots shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':
 - A minimum carriageway width of 4 metres is provided for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint) with any carriageway constriction along the property access road no less than 3.5 metres in width and for a distance of no greater than 30m.
 - A minimum vertical clearance of 4 metres is provided to any overhanging obstruction, including tree branches.
 - The crossfall is not to exceed 10 degrees
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Access - Fire Trails

The Intent of measures is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

- i. The fire trail shall comply with the following requirements of section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006':
 - A minimum carriageway width of 4 metres is provided with an additional 1 metre wide strip on each side of the trail (clear of bushes and long grass).
 - The trail has a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.

- A minimum vertical clearance of 4 metres is provided to any overhanging obstructions, including tree branches.
- The crossfall of the trail is not more than 10 degrees.
- The trail has the capacity for passing by
 - reversing bays using the access to properties to reverse fire tankers, which are 6 metres wide and 8 metres deep to any gates, with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres; and/or
 - a passing bay every 200 metres, 20 metres long by 3 metres wide, making a minimum trafficable width of 7 metres at the passing bay.
- The fire trail is accessible to fire fighters and maintained in a serviceable condition by the owner of the land.
- Gates for fire trails are provided and locked with a key/lock system authorised by the local RFS.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- j. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

- k. Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':
 - Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
 - Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
 - Planting is limited in the immediate vicinity of the building.
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
 - Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
 - Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
 - Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
 - Planting of deciduous species is avoided which may increase fuel at surface/ ground level (Le. leaf litter).
 - Climbing species are avoided to walls and pergolas.
 - Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
 - Combustible structures such as garden sheds, pergolas and materials such as timber garden furniture are located away from the building.
 - Low flammability vegetation species are used.

Details from an appropriately qualified bushfire consultant (BPAD) accredited with the Fire Protection Association of Australia or a building certifier accredited with the Building Professionals Board demonstrating compliance with these conditions, must be submitted to the certifying authority prior to the issue of each subdivision Certificate

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

Natural Resources Access Regulator requirements

The development must be carried out in accordance with the following conditions:

General Terms of Approval for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1114062
Issue date of GTA:	16 July 2019
Type of Approval:	Controlled Activity
Description:	Lot subdivision, 1 Drainage Reserve, 2 Public Reserves, Stage Construction
Location of work/activity:	90 Viney Creek Road, Tea Gardens NSW 2324
DA Number:	DA100/2019
LGA:	Midcoast County Council
Water Sharing Plan Area:	Lower North Coast Unregulated and Alluvial Water Sources.

The GTA Issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
	Erosion and sediment controls
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.

GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
	Plans, standards and guidelines
GT0002-00665	A. This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00001	The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; watercourse crossings; outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan; in-stream works.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/waternicensing-trade/approvals/controlled-activities .
	Rehabilitation and maintenance
GI0007 -00006	When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
	Reporting requirements
GT0020-00004	The consent holder must inform Natural Resources Access Regulator in writing when the proposed

	construction of the controlled activity has been completed.
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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA100/2019 as provided by Council:

- Previous CM and approved plans
- Referral letter

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

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