

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2022/2014

Development: Manufactured Home Estate

Site: 40-80 Chapmans Road Tuncurry, legally described
as Lot 100 DP 1286524

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 06 August 2024

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal or Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 40-80 Chapmans Road Tuncurry, legally described as Lot 100 DP 1286524.

The conditions of consent are as follows:

General Conditions**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
Community Building – Floor Plan	2870 / 0301 / J	Webber	21.06.2024
Community Building - Elevations	2870/ 04101 / K	Webber	21.06.2024
Community Building – Site Plan	2870/ 0202 / L	Webber	21.06.2024
Overall Site Plan	CENG – 002 – Revision D	ADW Johnson	21.06.2024
Detail Plan	CENG – 101 – Revision D	ADW Johnson	21.06.2024
Detail Plan	CENG – 102 – Revision D	ADW Johnson	21.06.2024
Stormwater Detail Plan	CENG – 401 – Revision D	ADW Johnson	21.06.2024
Eastern Basin Detail Plan	CENG – 421 – Revision D	ADW Johnson	21.06.2024
Western Basin Detail Plan	CENG – 422 – Revision D	ADW Johnson	21.06.2024
Typical Basin Sections	CENG – 423 – Revision D	ADW Johnson	21.06.2024
Landscape Plan - Site	L101 Rev E	Myrtle Studio	21.06.2024
Landscape Plan - Clubhouse	L102 Rev E	Myrtle Studio	21.06.2024
Landscape Plan - Sections	L103 Rev E	Myrtle Studio	21.06.2024
Landscape Plan - Sections	L104 Rev E	Myrtle Studio	21.06.2024
Water Cycle Management Plan	Issue F	ADW Johnson	June 2024

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

Reason: Information and to ensure compliance.

2. Compliance with National Construction Code Series - Building Code of Australia

All building work must be carried out in accordance with the requirements of the National Construction Code Series - Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2021*.

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. Separate approval under Section 68 of the Local Government Act 1993 is required to operate a manufactured home estate

An application under section 68 of the Local Government Act 1993 to operate a manufactured home estate shall be lodged and approved by Council prior to the commencement of any works.

- a) The application shall include detailed plans drawn to a maximum scale of 1:500 that comply fully with Part 2 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- b) A separate hydraulic plan prepared by a suitably qualified and experience hydraulic engineer shall be lodged with the application to satisfy section 34 (fire hydrants) of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Reason: Statutory requirement.

5. Approval to operate

No sites shall be occupied unless an approval to operate a manufactured home estate under section 68 of the Local Government Act 1993 has been obtained from Council that approves use of those sites in accordance with this consent.

Reason: Statutory requirement

6. Building works near easements

No portion of any building or retaining wall shall encroach onto any drainage or other easements.

Reason: Protection of existing easements.

7. Electricity substation

Any required electricity substation must:

- a) be located wholly within the property; and
- b) be located outside vehicular egress sight lines.

Reason: To ensure the development has an adequate and safe electricity supply.

8. Utility Supply Approval

Prior to the issue of a construction certificate, confirmation must be provided to the certifying authority that approval has been granted for the connection for the following services to the development site:

- Telecommunications / NBN
- Electricity supply

Reason: To ensure that utility services are provided to the development.

9. Construction of stormwater treatment measures

For each stage where relevant, construct the stormwater management system so that it is consistent with the approved Stormwater Strategy and engineering plans.

Install the bioretention filter media in accordance with *Adoption Guidelines for Stormwater Biofiltration Systems Appendix C – Guidelines for filter media in stormwater biofiltration systems, Section 7 – Installation*, (CRC for Water Sensitive Cities, Monash University, Version 2, 2015) or current version.

Temporary protection measures for the bioretention are not to be removed, nor the filter area of the basin planted out until a minimum of 80% of the catchment upstream of the basin is developed. The removal of temporary measures is to either be directed by Council or approved by Council following a report by the developer demonstrating that 80% of the catchment upstream of the development has been achieved.

The following documentation is to be submitted to Council upon completion of the stormwater treatment measures:

- Geotechnical certification that the hydraulic conductivity of the filter media is between 150-200mm/hr.
- Certification from a suitably qualified horticulturalist that the planting, species and densities are consistent with the approved plans.

Reason: To protect water quality

Before Issue of a Construction Certificate

10. Plans of retaining walls

Prior to the issue of a construction certificate 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 an appropriately registered certifier, adequate provision must be made for drainage in the design of the structures.

Reason: To ensure site stability and safety.

11. Detail of safety barrier for swimming pool

Prior to the issue of a construction certificate, plans and specifications for the swimming pool barrier must be submitted to and approved by an appropriately registered certifier. The barrier must be in accordance with the Swimming Pools Act 1992 and Australian Standard AS1926.1: Swimming pool safety - Safety barriers for swimming pools.

Reason: To ensure the development complies with swimming pool barrier construction standards.

12. Erosion and sediment control plan

Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

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

13. Water and sewerage Section 68 approval

Prior to the issue of a construction certificate, an approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Reason: Statutory requirement.

14. MidCoast Council Water Services approval

Prior to the issue of a construction certificate, a Certificate of Compliance from MidCoast Council 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 an appropriately registered certifier.

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

15. Internal vehicular access

Prior to the issue of a construction certificate, plans and specifications prepared in accordance with AS/NZS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS2890.2: Parking Facilities Off Street Commercial Vehicle Facilities must be submitted to and approved by the certifying authority.

The plan must include the following:

- a) Detail of vehicular access from the site boundary to the proposed car space(s).
- b) Pavement description being concrete, asphalt or similar (Car park and driveway layout).
- c) Cross sections at appropriate intervals, with a maximum separation of 15 metres.
- d) Drainage (pipes, pits, on-site detention, etc.).
- e) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- f) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities
- g) Turning paths for nominated service vehicle/s (noting that the local waste disposal company front end loading garbage truck has a length of 9.7m with front forks retracted and 11.85m with front forks down, a width of 2.5m, a turning radii of kerb to kerb 10.5m and wall to wall 11.2m; and
- h) Line-marking and signs.

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

16. Structural details

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified and experienced structural engineer must be submitted to and approved by the certifying authority. The plans must include details for:

- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas).
- b) Footings of the proposed structure.
- c) Structural steel beams/columns.
- d) All Footings/Slab design affected by water and/or sewer zone of influence to be detailed in accordance with MidCoast Council: Water Services' "Building Near Water & Sewer Services Policy". These plans must be stamped approved by MidCoast Council: Water Services.

Reason: To ensure structural stability and safety

17. Traffic management plan

Prior to the issue of a construction certificate, a traffic control plan must be submitted to and approved by the relevant Road Authority. The plan must be designed in accordance with the requirements of:

- a) The Roads and Maritime Services, Traffic Control at Work Sites (current version); and
- b) Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads.

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

18. On-site stormwater detention

Prior to the issue of a construction certificate, plans and specifications of the stormwater drainage system, including on-site stormwater detention must be submitted to and approved by the certifying authority. This system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage.

Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land that does not have an easement to accommodate the discharge. All piped drainage lines or areas that are affected by stormwater discharge over adjoining land must be located within drainage easements at no cost to Council.

The plans and specifications must be designed by a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out stormwater drainage work.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

19. Stormwater disposal on-site - submission of design details

Prior to the issue of a construction certificate, plans and specifications detailing the stormwater management for the site must be submitted to and approved by the certifying authority. The stormwater disposal system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage and the point of disposal for stormwater must be via an infiltration area located on the adjoining property (Lot 11 DP 615229). The infiltration area must be designed:

- a) By a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.
- b) With a safety factor of 2 to allow for any long-term deterioration in infiltration rate,
- c) To ensure that the stormwater run-off entering the infiltration area is pre-treated to remove sediment and gross pollutants,
- d) To ensure that the stormwater run-off from all basin detention is restricted to a pre-development discharge rate for all storm events up to and including the 1 in 100-year storm, and discharge from the newly created access road into the Chapmans Road Road Reserve is restricted to a 1 in 5-year storm.
- e) In accordance with the requirements of "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction" (Landcom); and
- f) Via percolation tests on the site in accordance with Appendix 4.1F of Australian Standard AS/NZS 1547:2000: On-site Domestic-wastewater management.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

20. Stormwater Treatment System

Prior to the commencement of works (for any stage) submit to Council a risk assessment, final engineering plans and maintenance plan prepared by a suitably qualified professional engineer who is a corporate member of the Institution of Engineers Australia. Plans and specifications for the stormwater treatment system shall be in accordance with:

- the approved Stormwater Strategy
- Bioretention Technical Design Guidelines, Water by Design, Healthy Waterways Initiative (current version).
- AS ISO 31000:2018.

In addition, the engineering plans must detail and contain the following amendments:

- Sides of the bioretention basins lined with an impermeable liner
- Q100 flows in the western basin directed to the on site detention basin
- Size and dimensions of each component of the treatment system (inlet pits, outlet pits, pre treatment, lining and batter slopes) including calculations for forebay sizing.
- A planting plan certified by a suitably qualified horticulturist (or equivalent) showing the planting schedule and species selection for the bioretention, batter slopes and detention basin in accordance with MidCoast Council's fact sheet 'Raingarden plants' (current version), planted at densities indicated in the fact sheet.
- Filter media consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, CRC for Water Sensitive Cities (Monash University, Version, current version).
- Maximum batter/side slope no greater than 1:4 (v:h), unless otherwise retained by a structural wall and landscaping. No greater than 20% of the filter media area is to be within shade for less than 3 hours a day. Any structural walls internal to the bioretention area are to be no higher than 1m.
- Construction staging and measures to avoid damage to the stormwater treatment system/s during construction.
- An impervious maintenance access ramp with a minimum width of 2.5 metres and a maximum slope of 1:4.
- Bioretention must include protection to prevent damage / access from vehicles.
- Risk mitigation controls identified in the risk management plan.

The risk management plan must include:

- A risk assessment and identified controls to protect life or property (eg community access or required maintenance activities).

The maintenance plans for the bioretention, 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.

21. Geotechnical / Structural Engineering Report - Stormwater Treatment

Prior to the issue of a construction certificate, a certificate from a geotechnical engineer or structural engineer is to be submitted to the Certifying Authority certifying that the location of the raingarden/bioretention/detention basin/s poses no risk to existing or future buildings or specifies the particular controls to be put in place to protect the existing, future, or neighbouring buildings.

The structural/geotechnical engineer will also certify that in the event of a system failure any overland sheet flow from the raingarden will not impact the existing, future, or neighbouring buildings.

Reason: To ensure location of stormwater treatment will not compromise the structural integrity of buildings.

22. Design standards - Kitchen

Prior to the issue of a construction certificate, plans and specifications for the fit out of the kitchen must be submitted to and approved by Council's Environmental Health Officer.

The plans and specifications shall demonstrate compliance with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.

Reason: To ensure public health and safety.

23. Landscape plan

Prior to the issue of a construction certificate, final 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 who 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) location of grassed and paved areas,
- f) screening of clothes drying areas and garbage receptacles from public view,
- g) location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered,
- h) stormwater detention or bio-retention systems.
- i) street tree planting.

Reason: To maintain environmental and streetscape amenity.

24. S7.11 Development Contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Contributions Plan	Facility	amount
Great Lakes Wide	Library Bookstock	\$ 14,855.84
Great Lakes Wide	Headquarters Building	\$ 89,192.13
Great Lakes Wide	s94 Admin	\$ 40,921.77
Forster District	Major Roads Inner Zone	\$ 356,599.83
Forster District	Aquatic Centre	\$ 58,511.12
Forster District	Surf Life Saving	\$ 17,256.19
Forster District	Open Space	\$ 279,825.63
Forster District	Library Facility	\$ 96,823.12
Forster District	Community Facilities	\$ 105,686.80
Total		\$ 1,059,672.43

Haulage: To be determined at the rate of \$0.04 cents per tonne x Kilometre. 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 must be submitted to Council for the purpose of calculating the haulage levy.

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.

25. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application together with payment of a bond and an administration fee in accordance with Council's current adopted fees and charges must be submitted to Council.

Reason: Protection of public assets.

26. Acid sulphate Soils

Prior to the issue of a Construction Certificate an Acid Sulfate Soils Management Plan, prepared in accordance with the Acid Sulfate Soils Manual, is to be approved by the certifying authority.

Alternatively provide a report prepared in accordance with the Acid Sulfate Soils Manual from a suitably qualified geotechnical engineer that indicates an Acid Sulfate Soils Management Plan is not required for the works.

Any soil that is to be exported from the site is to be disposed of in a lawful manor. Details of the soil disposal are to be submitted and approved by the certifying authority prior to the issue of any construction certificate for works involving excavation of the land.

Reason: Management of acid sulphate soils.

27. Waste management plan

Prior to the issue of a Construction Certificate, a waste management plan prepared in accordance with the requirements of Council's Waste Management Policy must be submitted to and approved by an appropriately registered certifier.

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

28. Construction management plan

A construction management plan must be submitted to and approved by an appropriately registered certifier prior to the issue of a construction certificate.

The construction management plan must include:

- a) a traffic control plan designed in accordance with the requirements of the Roads and Maritime Services, 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 prepared by an accredited person trained in the use of the current version of RMS Traffic Control at Work Sites manual.
- b) a traffic management plan
- c) provision for pedestrian movement and safety
- d) details of loading and unloading areas.
- e) details of parking for tradesman's vehicles

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

Before Work Commences

29. Finalisation of DA-290/2012

All works approved under DA-290/2012 are to be completed prior to commencement of work on the Manufactured Home Estate.

Reason: To protect the environment

30. Construction certificate required

Prior to the commencement of any construction work (including excavation and land filling), a construction certificate must be issued by an appropriately registered certifier.

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

31. Notification of commencement and appointment of principal certifier

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 certifier 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*.

32. 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.

33. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, 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.

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

34. Toilet facilities - sewerred 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 standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

35. Site construction sign

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

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) 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
- c) 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 2021*.

36. Public Engineering Works

Prior to the issue of a construction certificate, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by MidCoast Council. All works must be designed in accordance with the current version of AUSPEC, MidCoast Council's Development Engineering Handbook and any other adopted engineering specification and include the following:

Required work	Specification of work
Footpath/cycleway for the Chapmans Road frontage (southern side) of the site. Footpath/cycleway for the western side of the future collector road frontage of the site. Footpath/cycleway for the southern side of Chapmans Road along the frontage of Lot 194 DP 1193875 thus linking the development site to the existing footpath/cycleway to the east at the common boundary line between 69 Grandis Drive and Lot 194 DP 1193875.	2.5m wide in accordance with Council Standard Drawing No. SD 0103. Note: the footpath/cycleway (along the Chapmans Road frontage of the development site only) is to be positioned on the property side of the swale drain within the road reserve (i.e. the swale will be positioned between the slotted kerb and gutter and the new footpath/cycleway.
Grading, trimming, topsoiling, and turfing of the unpaved footpath area	The surface levels are to be finished flush with adjacent road or kerb levels.

Slotted kerb and gutter, road pavement and associated drainage construction, footpath formation across the full Chapmans Road (southern side) frontage of the site.	Provision of slotted concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Adopted Engineering Standard. Kerb alignment is to match that of the existing to the east of the development site. Provision of a bio-swale between the position of the footpath/cycleway and that of the slotted upright kerb and gutter.
Under-grounding of electricity mains along the frontage of the development site	In accordance with the requirements of the electrical authority and Councils' utility's location standard SDO111.
Construction of the future collector road and associated drainage works including a temporary turning head and associated signage.	In accordance with Council's Adopted Engineering Standards.
Construction of driveway for emergency access adjacent to western boundary of subject lot.	Driveway portion within the Chapmans Road corridor to be constructed of concrete to Council standards and specifications.

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

During any work

37. 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.

38. Filling

The dwelling sites are to be filled with clean suitable material to a level not less than 3m AHD.

Upon completion of earthworks, a certificate from a professional geotechnical engineer must be submitted to the certifying authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when buildings or other infrastructure is erected. The certificate must be prepared in accordance with Australian Standard AS 1726: Geotechnical site investigations.

Reason: To provide protection from flooding and to ensure site stability.

39. 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 area/s of the site where dust could have an adverse effect on neighbouring properties or flora and fauna.

Reason: To maintain amenity during construction of the development.

40. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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

41. Wiring in flood prone areas

All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:

- a) To the maximum extent possible, all wiring, power outlets, switches, etc, must be located above the flood planning level.
- b) All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components.
- c) All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly.
- d) Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level.
- e) Only submersible-type splices are to be used below the flood planning level.
- f) All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding.
- g) Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.

Reason: To maintain the safety of buildings and occupants during a flood event.

42. Comply with construction management plan

All measures contained within the approved construction 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.

43. Compliance with waste management plan

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

Reason: To ensure waste is minimised and recovered for recycling where possible.

44. 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 Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

45. Construction - manufactured home estate

The manufactured home estate shall be constructed in accordance with the requirements of Part 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulations 2021.

Reason: Statutory requirement

46. Imported Fill Materials

All imported fill material shall be limited to the following:

- a) Virgin excavated natural material (VENM); or
- b) Excavated natural material (ENM) certified as such in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; or
- c) Material subject to a Waste exemption certified as such under Clause 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" for the proposed use.

Any waste-derived material that is subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be held by the landowner and be made available to Council upon request.

Reason: To maintain amenity and protect the environment.

47. New Information/Unexpected Finds

In the event that remediation and/or construction works cause the generation of odour or uncovers previously unidentified contaminants, 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 MidCoast Council.

Reason: To maintain amenity and protect the environment.

48. Waste classification

Prior to the removal of waste (including but not limited to soils) from the site, the waste must be classified in accordance with the NSW Environmental Protection Authority Waste Classification Guidelines (2014). The waste must be transported and disposed of at a licenced waste facility that can lawfully accept the waste in accordance with the Protection of the Environment Operations Act (1997) and Protection of the Environment (Waste) Regulation 2014.

Reason: To protect the environment and public health

49. Temporary pool fencing

Temporary fencing must be installed around the pool site during its construction to prevent entry by children. The temporary fencing must remain in place until permanent fencing is erected.

Reason: Public safety.

50. Swimming Pool Construction Signage

During construction of the swimming pool a sign must be located and maintained in a prominent position in the immediate vicinity of the swimming pool stating "This swimming pool is not to be occupied or used"

The sign must not be removed until a relevant Occupation Certificate or Certificate of Compliance has been issued for the swimming pool.

Reason: Statutory requirement and safety.

51. Construction standards - Food premises

The premises must be constructed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.

Reason: To ensure public health and safety.

52. Inspection of stormwater treatment measures

Engage a suitably qualified professional engineer to inspect the stormwater treatment during construction. Verify compliance with the approved plans using the sign off forms for bioretention in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (current version) using the following sheets:

- a) Form A (Bioretention) – Earthworks and Functional Structures
- b) Form B (Bioretention) – Under-drainage
- c) Form C (Bioretention) – Bioretention Media
- d) Form D (Bioretention) – Finished Levels
- e) Form E (Bioretention) – Coarse Sediment Forebay
- f) Form F (Bioretention) – Protective Measures
- g) Form G (Bioretention) – Landscape Installation

Confirm that the stormwater treatment systems have been constructed to plan by submitting the following information to the certifying authority:

- signed inspection sheets
- photographs
- NATA test results for the filter media
- Results of in-situ infiltration testing consistent with methods outlined in Adoption

Guidelines for Stormwater Biofiltration Systems Appendix C (CRC for Water Sensitive Cities, Monash University, current version) demonstrating 150-200mm infiltration rate

- Certification from a suitably qualified horticulturalist that the planting, species and densities are consistent with the approved plans.

Reason: To protect water quality

Prior to Occupation**53. Works to be completed**

The building/structure or part thereof must not be occupied or used until a part occupation/whole occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

54. Works-as-executed plans

Prior to the issue of an occupation certificate, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be prepared in accordance with Council standards and submitted to Council. This includes the location of all services.

Reason: To provide Council with accurate records of civil works.

55. Utility Supply Approval

Prior to the issue of an occupation certificate, written confirmation must be provided to the certifying authority that satisfactory arrangements have been made for the provision of the following services to the development site:

- Telecommunications / NBN
- Electricity supply

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

56. Implementation of the Landscape Plan

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the landscape plan. The final occupation certificate shall not be issued until such time as the required landscaping set-out in the relevant plan has been appropriately established.

Reason: To appropriately conduct landscaping on the subject land.

57. Completion of car parking areas and provision of signage

Prior to the issue of an occupation certificate, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked.

Reason: To ensure that adequate parking facilities for the development are provided on site.

58. Stabilisation of site surface

Prior to the occupation of the Manufactured Home Estate, the site shall be landscaped with all disturbed ground being stabilised to prevent erosion to the satisfaction of the Principal Certifying Authority.

Reason: To prevent erosion and impacts on adjoining sites.

59. Underground electricity

Prior to the issue of a final occupation certificate, the low voltage overhead power lines, street light overhead power lines and telecommunication cables located along/adjacent to the site frontage in Chapmans Road must be relocated underground at no cost to Council and to the satisfaction of the relevant service authority.

Arrangements for the wires/cables to be relocated must be made directly with the relevant service utility authorities.

Written evidence must be provided to the principal certifying authority stating that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply to the development.

Reason: To improve the amenity of the area.

60. Stormwater drainage work

Prior to the issue of a final occupation certificate, stormwater must be collected and disposed of to the on-site bio-retention/detention area/s and the bio-swale within the Chapmans Road Road Reserve. Drainage lines within the road reserve must be sewer class or another approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage.

Reason: To ensure compliance with the development consent and statutory requirements.

61. MidCoast Council Water Services Certificate of Attainment

Prior to the issue of a final occupation certificate, a Certificate of Attainment from MidCoast Council 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 an appropriately registered certifier.

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

62. Swimming Pool Barrier

Prior to the issue of an Occupation certificate, safety barriers and gates are to be installed in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2018 and AS 1926.1-2012 Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools.

Reason: Statutory requirement and safety.

63. Certification of Swimming Pool Water Reticulation

Prior to the issue of an Occupation certificate, certification prepared by a suitably qualified person must be submitted to the Principal Certifier stating that the swimming pool water recirculation system has been installed in accordance with Part 3.9 of the Building Code of Australia and AS 1926.3-2010, Swimming Pool Safety Part 3: Water recirculation systems.

Reason: Statutory requirement and safety.

64. Swimming Pool Registration

Prior to the issue of an Occupation certificate, the owner must ensure that the pool, when completed is entered on the NSW State Government register. The registration of the pool can be done online at www.swimmingpoolregister.nsw.gov.au

65. Swimming pool discharge

Prior to the issue of a final occupation certificate, the discharge of waste water from the swimming pool must be in accordance with Australian Standard AS/NZS 3500: Plumbing and drainage.

Reason: To prevent environmental pollution and health impacts.

66. Section 88B Instrument

Prior to the issue of an occupation certificate the following title encumbrances (Section 88B instrument) shall be established on the title of the land with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Easement for services	The creation of any necessary suitable easements for services.
On-site Stormwater Detention	'Restriction on the use of Land' prohibiting any alteration to the on-site stormwater detention system. 'Positive Covenant' requiring the registered proprietor to ensure ongoing maintenance is completed for the on-site stormwater detention. The whole of the On-site detention system is to be identified within common property.
Water Sensitive Design Measures	<p>Restriction on the use of land requiring any manufactured home placed on the land to have as a minimum:</p> <ul style="list-style-type: none"> •1,000 L rainwater tank collecting 100% of the roof area for reuse in toilets, laundry and outdoors. •Driveway stormwater is to be directed to surrounding landscaping with a 1-2% cross fall. <p>Restriction on the use of land should identify that the rainwater tanks will be maintained in perpetuity.</p>

Reason: To ensure the proper management of land.

67. Street name application

Prior to the issue of an occupation certificate, a road and bridge naming application shall be submitted to and approved by MidCoast Council for the naming of all new roads.

Reason: To ensure adequate identification of new streets.

68. Erection of street signs

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

Reason: To ensure properties can be easily identified.

69. Completion of works

Prior to the issue of an occupation certificate, all works approved under the public engineering works permit must be completed. Evidence of practical completion must be provided to Council.

Reason: To ensure civil works are appropriately constructed.

70. Works-as-executed plans

Prior to the issue of an occupation certificate, works-as-executed plans for public engineering works, certified by a suitably qualified engineer or a registered surveyor, must be prepared in accordance with Council standards and submitted to Council.

Reason: To provide Council with accurate records of civil works.

71. Location of services

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.

Reason: To ensure services are located within easements.

72. Defects liability bond for civil works

Prior to the issue of an occupation certificate, a defects liability bond, must be paid to Council. The bond is to cover any defects to civil works arising within 2 years from issue of the subdivision certificate.

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

73. Dedication of Road and Conservation lands

Prior to the issue of a construction certificate the Road No.1 road reserve and C2 zoned portion of the land shall be dedicated to Council.

Reason: To ensure the proper management of land

Ongoing Use

74. Operation of car parking area

All vehicular access and parking areas must be used and maintained in accordance with the approved plans.

Reason: To ensure that adequate parking facilities are maintained on site.

75. Display lighting to be shielded

Any outdoor display lighting must be located or shielded so that no additional light is cast on adjoining land and so that motorists will not be distracted.

Reason: To ensure residential premises and motorists are not affected by inappropriate or excessive illumination.

76. Display lighting time restriction

Display and sign lighting, other than that required for reasonable security, must not be used between the hours of 10.00 p.m. and 6.00 a.m. on any day.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

77. Illumination of signs

The level of illumination and/or lighting intensity used to illuminate signs must be minimised and the design is to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure signs are consistent with Council's controls and so that residential premises are not affected by inappropriate or excessive illumination.

78. Sign quality

All signs must be neat and professionally sign written. Signs must be maintained in a structurally sound, neat and attractive condition.

Reason: To ensure that signs are consistent with Council's controls.

79. Swimming pool pump location

The swimming pool filter pump must be located so that noise from the operation of the pump is not a source of offensive noise, as defined by the Protection of the Environment Operations Act 1997, at any other residential premises. If necessary an acoustic enclosure must be provided around the pump to achieve adequate noise attenuation.

Reason: To maintain acoustic amenity to adjoining properties.

80. Swimming pool pump operation

Noise from the swimming pool pump must not be audible within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- a) before 8 am or after 8 pm on any Sunday or public holiday, or
- b) before 7 am or after 8 pm on any other day.

Noise associated with the swimming pool pump must not be a source of offensive noise as defined by the Protection of the Environment Operations Act 1997 at all other times.

Reason: To maintain acoustic amenity to adjoining properties.

81. Maintenance and monitoring of stormwater treatment measures

Maintain the bioretention in accordance with the approved Water Sensitive Design Maintenance plan in perpetuity.

Submit a report to Council 30 September each year for the previous financial year detailing the condition of the bioretention and details of maintenance activities that have taken place in accordance with the approved Water Sensitive Design Maintenance Plan.

Each dwelling and community building is to maintain the rainwater tank in perpetuity.

Reason: To ensure the stormwater treatment system are maintained so as to protect water quality.

82. Compliance with the Manufactured Homes, Caravan Parks, Camping Grounds and Relocatable Dwellings Regulation 2021

The manufactured homes and associated structures shall be installed in accordance with Part 2 Division 4 of the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Relocatable Dwellings) Regulation 2021.

Reason: To ensure the manufactured home is adequately designed and installed to meet the requirements of the relevant legislation.

83. Floor level of Manufactured Homes

The finished floor level of any manufactured home is to be not less than 3.2m AHD being a level equivalent to the 1% AEP flood planning level.

Reason: To provide protection from flooding being a level equivalent to the 1% AEP flood planning level.

84. Manufactured Homes – number of bedrooms

No manufactured home shall contain more than two (2) bedrooms.

n.b. An enclosed study, multi-purpose room or the like is to be considered a bedroom

Reason: To ensure the calculated demand for improvement of facilities and services is not exceeded.

Agency Conditions:**85. NSW Rural Fire Service requirements- Section 100B**

The development must be carried out in compliance with the following conditions detailed in the Bush Fire Safety Authority, reference No. DA20220330006598-CL55-1, dated 20 April 2023.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. From the commencement of building works and in perpetuity the entire site west of and including the 'Future Collector Road' road reserve but excluding the Landscaping Buffer along the northern boundary with Chapmans Road, as identified within Figure 8 of the Bush Fire Report prepared by Bushfire Planning Australia reference 2197, version 4 AMENDED FINAL, dated 28 October 2022 must be maintained as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an inner protection area, the following requirements apply:

- a. tree canopy cover should be less than 15% at maturity;
- b. trees at maturity should not touch or overhang the building;
- c. lower limbs should be removed up to a height of 2m above the ground;
- d. tree canopies should be separated by 2 to 5m; and
- e. preference should be given to smooth-barked and evergreen trees.
- f. large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings;
- g. shrubs should not be located under trees;
- h. shrubs should not form more than 10% ground cover;
- i. clumps of shrubs should be separated from exposed windows

- and doors by a distance of at least twice the height of the vegetation.
- j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and
 - k. leaves and vegetation debris should be removed.
2. At the issue of the subdivision certificate, a section 88B easement under the 'Conveyancing Act 1919' is to be created. The easement is to restrict the user from the construction of the Maintenance Shed within 10 metres of the western boundary. The easement is to ensure the lot accommodates the required Asset Protection Zones due to the sheds siting within 6 metres of a dwelling. The name of the authority empowered to release, vary or modify any instrument must be Council.
 3. At the issue of the subdivision certificate, a section 88B easement under the 'Conveyancing Act 1919' is to be created. The easement is to restrict the user from the construction of the Clubhouse within 36 metres from the southern boundary. The easement is to ensure the lot accommodates the required Asset Protection Zones for the future structure located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.
 4. At the issue of the subdivision certificate, a section 88B easement under the 'Conveyancing Act 1919' is to be created. The easement is to restrict the user from the construction of the Clubhouse within 18 metres from the boundary with the 'Future Collector Road'. The easement is to ensure the lot accommodates the required Asset Protection Zones for the future structure located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. The Approval to Operate and/or a suitably worded legal instrument over the title of the land must ensure the construction of the manufactured dwellings must comply with the Bushfire Attack Level (BAL) within Australian Standard AS3959-2018 'Construction of buildings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015) as identified by Figure 8 of the Bush Fire Report prepared by Bushfire Planning Australia reference 2197, version 4 AMENDED FINAL, dated 28 October 2022 and the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'. Further, additional work is to be permitted on site than the 'Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021' allows, for the manufactured homes to meet the requirements of 'AS3959-2018' and 'Planning for Bush Fire Protection 2019.'
6. Construction of the Maintenance Shed must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

7. Construction of the Clubhouse must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.
8. Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Access – Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

9. Internal roads must comply with the following:
 - a. Figure 8 of the Bush Fire Report prepared by Bushfire Planning Australia, reference 2197, version 4 AMENDED FINAL, dated 28 October 2022;
 - b. two-wheel drive, sealed roads with the exception of the secondary access road being unsealed;
 - c. access is provided to all structures;
 - d. traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - e. capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating.
 - f. hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - g. hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 and are located within 4 metres of passing bays.

Water and Utility Services

Intent of measures: 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.

10. The provision of water services must comply with the following:
 - a. reticulated water with a hydrant system is to be provided to the development,
 - b. fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005;
 - c. hydrants are not located within any road carriageway; and
 - d. reticulated water supply uses a ring main system for areas with perimeter roads.
 - e. fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.
 - f. all above-ground water service pipes external to the building are metal, including and up to any taps.
11. The provision of electrical services must comply with the following:
 - a. where practicable, electrical transmission lines are underground;
 - b. where overhead, electrical transmission lines are proposed as follow:

- i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - ii. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- 12. The provision of gas services must comply with the following:
 - a. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - c. connections to and from gas cylinders are metal;
 - d. if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
 - e. polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
 - f. above-ground gas service pipes external to the building are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

- 13. A Bush Fire Emergency Management and Evacuation Plan must comply with the following:
 - a. Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the applicable document(s) as follows:
 - i. The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - ii. Australian Standard AS 3745:2010 Planning for emergencies in facilities; and
 - iii. Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities (where applicable).
 - b. the Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

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 the subdivision Certificate.

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