

Application No: DA2022/0847
Property: 86-90 Old Bar Road OLD BAR NSW 2430,
Officer: Lisa Proctor
Created: 06 November 2023 11:59:00 AM

DRAFT CONDITIONS OF CONSENT

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
Site Contour Plan, Demolition and Tree Removal	A102-B	Mijollo International	12/07/23
Site Ground Plan	A104-G	Mijollo International	31/10/23
Site Upper Floor Plan	A105-D	Mijollo International	28/07/23
Site Roof Plan	A106-D	Mijollo International	01/11/23
Views	A110-A	Mijollo International	24/05/22
Site Subdivision Plan	A111-A	Mijollo International	04/10/23
Apartment Building Draft Strata Plan	A112-A	Mijollo International	04/10/23
Townhouse Type A Plans and Elevations	A201-B	Mijollo International	02/12/23
Townhouse A (Type A2) + Bed Plans and Elevations	A202-B	Mijollo International	02/12/23
Townhouse A at End (Type A3) Plans and Elevations	A203-B	Mijollo International	02/12/23
Townhouse B at End (Type B) Plans and Elevations	A204-B	Mijollo International	02/12/23
Townhouse C (Type C) Plans and Elevations	A205-B	Mijollo International	02/12/23
Detention Basin Elevations	A206-C	Mijollo International	29/06/23
Eastern Boundary Sections	A207-C	Mijollo International	29/06/23
Detention Basin Section	A208-B	Mijollo International	28/08/23
Apartment Building Level 1 (Site)	A211-E	Mijollo International	06/09/23
Apartment Building Plan Basement	A220-A	Mijollo International	12/07/23
Apartment Building Plans Level 2&3	A222-A	Mijollo International	12/07/23
Apartment Building Elevations	A225-A	Mijollo International	12/07/23
Street Elevations	A301-D	Mijollo International	08/09/23
Landscape Concept Plan 1: Overall Site	968-LCP01 Revision C	Alderson and Associates	January 2022
Landscape Concept Plan 2: Typical Lot Layouts	968-LCP02 Rev B	Alderson and Associates	January 2022

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Landscape Concept Plan 3: Apartment and Park Areas	968-LCP03 Revision C	Alderson and Associates	January 2022
General Arrangement Plan	210036-DA-C01.41 Revision 6	Enspire	28/03/22
Erosion and Sedimentation Control Plan	210036-DA-C03.01 Revision 5	Enspire	28/03/22
Erosion and Sedimentation Control Details	210036-DA-C03.21 Revision 5	Enspire	28/03/22
Sediment Basin Plans and Details	210036-DA-C03.31 Revision 5	Enspire	28/03/22
Sediment Basin Plans and Details	210036-DA-C03.32 Revision 5	Enspire	28/03/22
Bulk Earthworks Cut and Fill Plan	210036-DA-C04.01 Revision 6	Enspire	28/03/22
Bulk Earthworks Cut and Fill Sections	210036-DA-C04.21 Revision 6	Enspire	28/03/22
Siteworks and Stormwater Management Plan	210036-DA-C05.01 Revision 6	Enspire	28/03/22
Siteworks and Stormwater Management Plan	210036-DA-C05.02 Revision 7	Enspire	28/03/22
Siteworks and Stormwater Management Plan	210036-DA-C05.03 Revision 1	Enspire	28/03/22
Road Longitudinal Sections Road Typical Cross Sections Sheet 01	210036-DA-C07.01 Revision 5	Enspire	28/03/22
Road Longitudinal Sections Road Typical Cross Sections Sheet 02	210036-DA-C07.02 Revision 5	Enspire	28/03/22
Road Longitudinal Sections Road Typical Cross Sections Sheet 03	210036-DA-C07.03 Revision 2	Enspire	28/03/22
Pavement, Signage and Linemarking Plan	210036-DA-C11.01 Revision 7	Enspire	28/03/22
Siteworks detail	210036-DA-C14.01 Revision 3	Enspire	28/03/22

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Post-development Catchment Plan	210036-DA-C20.21 Revision 6	Enspire	28/03/22
Performance Bushfire Assessment report	July 2023 Version 2	Midcoast Building and Environmental	July 2023
Civil Engineering Report	Revision 5	Enspire	29/09/23
Site Subdivision Plan	Revision A	Mijollo International	04/10/23
Plan of Easements within Lot 14 DP 733054	–	Calco Surveyors	18/01/23
86-92 Old Bar Road, Civil Engineering Report - Development Application	Revision 5	Oatrain Pty Ltd	29 September 2023

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. Notification of Home Building Act 1989 requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated

information.

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

4. 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.

5. Support for neighbouring buildings

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's one expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

Reason: To protect development on adjoining premises. Prescribed condition under the Environmental Planning and Assessment Regulation 2021.

6. Construction of stormwater treatment measures

Construct the stormwater management system so that it is consistent with the approved Stormwater Strategy and engineering plans referred to in Condition 1.

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.

After conversion from the temporary measures and planting, a report detailing bioretention completion is to be provided to Council and include but not be limited to:

- Geotechnical certification that the hydraulic conductivity of the filter media is between 150-200mm/hr.
- Completion of Form G (Bioretention) - Landscape Installation (Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (current version)) including Certification from a suitably qualified

- horticulturalist that the planting, species and densities are consistent with the approved plans,
- Certification that any filter media that has been replaced since occupation certificate complies with the approved plans.

Reason: To protect water quality.

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

7. Public safety requirements

Prior to the commencement of any demolition work, all care is to be taken to ensure the safety of the public in general, road users, pedestrians and the adjoining property while the demolition works are being undertaken. Public liability insurance cover, for a minimum of \$10 million, must be maintained for the duration of the demolition and construction of the development and Council must be nominated as an interested party on the policy. 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.

8. Erosion and sediment control plan

Prior to the commencement of work, 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.

Erosion and sedimentation controls must be installed and maintained in accordance with the approved erosion and sediment control plan for the duration of the project.

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

9. Waste management plan

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

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

10. Install erosion and sediment control measures

Prior to the commencement of any demolition work, suitable erosion and sediment controls must be installed in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction" (Landcom) and maintained for the duration of the work.

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

11. Demolition Standards

Demolition is to be undertaken in accordance with Australian Standard AS 2601—2001: The Demolition of Structures.

Reason: Safety and to ensure compliance with current standards.

Conditions which must be satisfied prior to the issue of a Construction Certificate or Subdivision Works Certificate

12. 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 an appropriately registered certifier. 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.

13. Engineering construction plans

Prior to the issue of a subdivision works certificate, 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 across the frontage of the subdivision.
Full width road construction	Full width road and drainage construction for all proposed roads on the approved plan.
Footpath/cycleway construction	A 2.0 metre wide concrete footpath for all proposed pathways identified on the approved plan.
Street lighting	Street lighting must be provided to the requirements of the energy supply authority and Australian Standard AS/NZS 1158: Lighting for roads and public spaces.
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.
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 Australian Rainfall and Runoff.
Stormwater outlets	An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.

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

~~14. Stormwater Drainage Report~~

~~Prior to the issue of a subdivision works certificate, a Stormwater Drainage Report prepared by a suitably qualified and practicing engineer must be approved by Council. The report must determine the 1% AEP stormwater flow and width through the property, considering the upstream catchment that drains through the natural watercourse on the proposed lots. The building envelope must be located outside the flow width and resultant stormwater drainage easement.~~

~~**Reason:** To ensure onsite stormwater is managed and disposed of effectively.~~

15. Water and sewerage Section 68 approval

Prior to the issue of a Subdivision works 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 & Council requirement.

16. MidCoast Council Water Services approval

Prior to the issue of a subdivision works certificate, a Certificate of Attainment for construction from MidCoast Council Water Services, stating all conditions have been met for construction to extend Council's water supply and sewerage services adequately to the proposed development.

Reason: Council requirement.

17. BASIX Certificate

Prior to the issue of a construction certificate, plans and specifications detailing all of the BASIX Certificate commitments must be submitted to and approved by an appropriately registered certifier. The proposed development must be constructed in accordance with the requirements of the relevant BASIX Certificate. Where changes to the development

are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate will be required.

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

18. Landscape plan

Prior to the issue of a construction certificate, 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, where appropriate.

Reason: To maintain environmental and streetscape amenity.

19. 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 below:

- \$10,022.57 per one and two bedroom dwelling (subject to CPI)
- \$15,234.32 per 3 or more bedroom dwellings (subject to CPI)

~~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. (Forster) (delete where not applicable)~~

Haulage: To be determined at the rate of 5.16 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. (Taree) (delete where not applicable)

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.

20. 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.

21. Validation Report

Prior to the issue of a subdivision works certificate, a Validation Report must be provided to Council which clearly states that the site is suitable for subdivision for the purpose of residential A land use. The Validation Report must have regard to all previous contamination and remediation activities and reports associated with the site. Reports must be submitted to Council and the process carried out in accordance with:

- a. Council's Contaminated Land Policy,
- b. Managing Land Contamination Planning Guidelines (1998),
- c. Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Council's Contaminated Land Policy. The front cover of the report must include the details of the consultant's certification.

Reason: To ensure public health and the environmental protection.

22. Stormwater Treatment System

Prior to the issue of a construction certificate submit to the certifying authority 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 Engineering report.
- Bioretention Technical Design Guidelines, Water by Design, Healthy Waterways Initiative (current version).
- AS ISO 31000:2018.

In addition, the engineering plans must detail:

- 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 as per section 5.6.3 of the Water by Design Technical Guidelines.~~

- A densely vegetated area adjacent to the designated overland flow path into the basin to minimise potential for erosion and capture debris during large rainfall events, planted to a minimum rate of 6 per 1m² using appropriately drought resistance species.
- An impervious maintenance access ramp located on the Western side of the bioretention to a minimum width of 2.5 metres and a maximum slope of 1:4, to meet specifications in SD 0101 (commercial driveway).
- A planting plan certified by a suitably qualified horticulturist (or equivalent) showing the planting schedule and species selection for the bioretention (and batter slopes) 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).
- Construction staging and measures to avoid damage to the stormwater treatment system/s during construction.
- Risk mitigation controls identified in the risk management plan <apply where it is subdivision scale or large treatment area>.

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.

~~23. Validation report~~

~~Prior to the issue of a subdivision works certificate, a Validation Report must be provided to Council which clearly states that the site is suitable for subdivision for the purpose of residential A land use. The Validation Report must have regard to all previous contamination and remediation activities and reports associated with the site. Reports must be submitted to Council and the process carried out in accordance with:~~

- ~~a. Council's Contaminated Land Policy,~~
- ~~b. Managing Land Contamination Planning Guidelines (1998),~~
- ~~c. Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).~~

~~The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Council's Contaminated Land Policy. The front cover of the report must include the details of the consultant's certification.~~

Reason: To ensure public health and the environmental protection.

Conditions which must be satisfied prior to the commencement of any development work

24. Construction certificate required

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

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

25. 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 person's intention to commence construction work.

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

26. Construction management plan

A construction management plan must be submitted to and approved by Council prior to the commencement of any work.

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.

27. 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.

28. 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*.

29. Contaminated site investigation



Following demolition and or removal of existing structures a contaminated site investigation is to be carried out within the footprint of demolished and or removed structures. A contaminated site investigation, remediation action plan (if required) must be prepared and submitted to Council for approval prior to the issue of subdivision works certificate. Should the site investigation identify contaminants of concern, the investigation must determine the extent of contamination and areas where remediation is required on present and proposed subdivision lots.

Reports must be submitted to Council and the process carried out in accordance with:

- a. Council's Contaminated Land Policy,
- b. Managing Land Contamination Planning Guidelines (1998),
- c. Relevant NSW EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and
- d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).

All reports associated with the Contaminated Land Process must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Council's Contaminated Land Policy. The front cover of the reports must include the details of the consultant's certification.

Reason: To protect public health and the environment.

30. Buried services

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Reason: To protect life and property

Conditions which must be satisfied during any development work

31. 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.

32. 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 works area and around every level of the building under construction.

Reason: To maintain amenity during construction of the development.

33. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

Reason: To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

34. 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.

35. Removal of asbestos

All asbestos containing material associated with demolition/renovation works must be removed, handled and disposed of in accordance with the NSW Government Code of Practice - How to Safely Remove Asbestos (2019), the requirements of SafeWork NSW and the following:

- a) All asbestos must be removed from the site and be disposed of at an approved licensed waste facility. All asbestos waste must be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags.
- b) All asbestos waste must be transported in accordance with the requirements of the NSW Environmental Protection Authority and Protection of the Environment (Waste) Regulation 2014.
- c) Twenty-four (24) hours' notice must be given to the waste facility prior to disposal.
- d) Copies of receipts for the disposal of all asbestos to a licensed waste facility must be provided to Council within fourteen (14) days of the material being disposed.
- e) If asbestos is present in an amount greater than 10m², then the demolition and removal must be undertaken by a SafeWork NSW licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Removal Licence) for the material to be removed.

Reason: To maintain public health

36. Standards for demolition work

All demolition works must be undertaken in accordance with the provisions of Australian Standard AS 2601: The demolition of structures. Prior to demolition, all services must be disconnected and capped off.

Reason: To protect public health and safety.

37. 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.

38. External materials, finishes, and colours

All external materials, finishes and colours must be provided in accordance with the approved schedule of external materials, finishes and colours.

Reason: To ensure the visual amenity of the streetscape.

39. 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.

40. Arborist Report to be implemented

All of the recommendations and actions set-out in the Arboricultural Impact Assessment, prepared by Northern Tree care and dated 28 June 2023 shall be fully implemented during the development work by relevant persons as required by that Report.

Reason: To protect trees that are to be retained.

41. 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.

42. 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.

43. Reuse of Soils within the Site

Any existing soils to be reused within the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW Environment Protection Authority guidelines and National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to

ensure that the soil is suitable for the proposed use.

Reason: To maintain amenity and protect the environment.

44. 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

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 that the gross pollutant trap has been constructed according to plans.

Reason: To protect water quality.

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building/s

45. Works to be completed

The buildings/structures 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.

46. 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.

47. Stabilisation of site surface

Prior to the issue of a final occupation certificate, 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.

48. MidCoast Council Water Services Certificate of Compliance

Prior to the completion of subdivision certificate, a Certificate of Compliance from MidCoast Council Water Services department is to be obtained, stating that satisfactory arrangements have been made and all work has been constructed to Water Services Australia & Council's development Engineering standards.

Reason: To provide adequate serviceability for water and sewage to the development to Council's standards.

49. BASIX Compliance

Prior to the issue of an occupation certificate, all of the required commitments listed in the BASIX certificate must be fulfilled.

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

50. Stormwater Treatment - Rainwater Tank for Water Quality

Prior to issue of any occupation certificate, a rainwater tank must be constructed on each dwelling in accordance with the following conditions:

- a) A minimum 3,000 L rainwater tank per dwelling is to collect 100% of the roof area with water from the tank connected to toilet and laundry for re-use within the development.
- b) Connect rainwater tank overflow to the street.

Reason: To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan are met.

51. Electricity Infrastructure

Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;

Reason: To ensure safety of site workers

Conditions which must be satisfied prior to the issue of any Subdivision Certificate

52. 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.

53. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument 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:

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.
Sewer easements	The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.
Rights of carriageway	'Right of Carriageway' as identified on the approved development plans.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.
A right of carriageway over the fire trail	The right of carriageway is to be in favour of Council
An easement to allow the maintenance of the fire trail, fuel reduced zone and fuel free zone	Easement to provide access by Council and Rural Fire Service in the event that maintenance is not carried out
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 on-going maintenance is completed for the on-site stormwater detention system.
Water Sensitive Design Measures	Restriction on the use of land requiring any dwelling erected on the land to have as a minimum:

	<p>•3,000L rainwater tank collecting 100% of the roof area for reuse in toilets, laundry and outdoors.</p> <p>Restriction on the use of land should identify that the rainwater tanks, gross pollutant trap and bioretention will be maintained in accordance with approved maintenance plans in perpetuity.</p>
Dedication of road widening along Old bar road frontage	Dedication of road widening to achieve a minimum 4.5m verge from the proposed design kerb line.
Dedication of roads as identified on the approved plan to public road reserve	Dedication of approved road reserves at no cost to council

Reason: To ensure the proper management of land.

54. Utility supply certificate

The provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot: (Delete those not applicable)

- 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.

55. Section 7.11 contributions

Prior to the issue of a subdivision 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 below:

- \$15,234.32 per newly created lot (does not apply where contributions have already been paid for dwellings constructed on the lot).

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. (Forster) (delete where not applicable)

~~**Haulage:** To be determined at the rate of 5.16 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. (Taree) (delete where not applicable)~~

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.

56. Endorsement of Strata Documentation

Prior to Council or the Principal Certifying Authority endorsing the strata plan/administration sheet, the development is to be fully completed in accordance with the plans and conditions of Notice of Determination No. ~~<<insert>>~~ and the building being fully compliant with the Building Code of Australia.

Reason: To ensure compliance with Statutory Requirements.

Conditions which must be satisfied during the ongoing use of the development

57. Maintenance and monitoring of stormwater treatment measures

Maintain the bioretention and gross pollutant trap 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 gross pollutant trap including details of maintenance activities that have taken place in accordance with the approved Water Sensitive Design Maintenance Plan.

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

Integrated Approvals

General Terms of Approval have been issued by the NSW Rural Fire Service, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, has been issued subject to the following conditions.

Reference: DA20220810009882-CL55-3

Asset Protection Zones

The intent of measures is 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. At the issue of a subdivision certificate, and in perpetuity the entire site must be maintained as an Inner Protection Area (IPA) in 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,
- e. preference should be given to smooth-barked and evergreen trees,
- f. large discontinuities or gaps in vegetation should be provided 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 any habitable building within 11 metres from the southern boundaries of Lots SP1.13 - SP1.18. The easement is to ensure the lot accommodates the required Asset Protection Zones for the future dwelling located on the lot. The easement may be extinguished when the vegetation has been removed on Lot 14//DP733054, to the south, specifically for the construction of the future subdivision within that Lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

Construction Standards

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

3. New construction of the dwellings within Lots SP1.13 - SP1.18 inclusive must comply with section 3 and section 7 (BAL 29) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

4. New construction of the dwellings on Lots SP1.20 - SP1.31 inclusive must comply with section 3 and section 6 (BAL 19) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

5. New construction of the dwellings on Lots SP1.01 - SP1.12 inclusive and SP1.32 - SP1.43 inclusive must comply with section 3 and section 5 (BAL 12.5) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

6. New construction of the dwellings within Lots SP2.01 must comply with section 3 and section 7 (BAL 29) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

7. New construction of the dwellings on Lots SP2.02 must comply with section 3 and section 6 (BAL 19) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

8. New construction of the dwellings on Lots SP2.03 - SP2.13 inclusive must comply with section 3 and section 5 (BAL 12.5) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

9. New construction of the Strata Plan 3 Residential Flat Building must comply with section 3 and section 7 (BAL 29) 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). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

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.

10. Access roads for subdivision developments must comply with the following requirements:

- a. traffic management devices are constructed to not prohibit access by emergency services vehicles;
- b. dead end roads are clearly sign posted as a dead end;
- c. where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- d. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- e. bridges/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 - Fire hydrant installations System design, installation and commissioning;
- h. Road 2 adjacent to the western boundary from and including the intersection with Road 1 to the southern boundary is to comply with the additional as follows;
 - i. minimum 8m carriageway width kerb to kerb;
 - ii. parking is provided outside of the carriageway width;
 - iii. hydrants are located clear of parking areas;
 - iv. curves of roads have a minimum inner radius of 6m;

- v. the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - vi. the road cross fall does not exceed 3 degrees; and
 - vii. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- i. Road 1 and Road 2 not included within point 'g' of this condition is to comply with the plans titled 'Siteworks and Stormwater Management Plan, Sheet 01' prepared by Enspire, reference 210036-DAC05.01, Revision 5 dated 3 July 2023 and the plan titled 'Siteworks and Stormwater Management Plan' prepared by Enspire, reference 210036-DA-C05.02, Revision 6 dated 3 July 2023 and the additional as follows;
- i. parking is provided outside of the carriageway width;
 - ii. hydrants are located clear of parking areas;
 - iii. curves of roads have a minimum inner radius of 6m;
 - iv. the road cross fall does not exceed 3 degrees; and
 - v. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
11. The Emergency Access and Egress identified by dashed lines, marked 4.00m apart traversing from Road 2 to Old Bar Road, between Lot SP2.01 and the western boundary of the site in the plan titled 'Siteworks and Stormwater Management Plan, Sheet 02' prepared by Enspire, reference 210036-DA-C05.02, Revision 6 dated 3 July 2023 is to be constructed as follows;
- a. a minimum carriageway width of 4 metres made of concrete with the capacity to carry fully loaded firefighting vehicles (up to 23 tonnes);
 - b. A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches is provided;
 - c. the crossfall of the trail is not more than 10 degrees;
 - d. the Emergency Access is accessible to fire fighters and maintained in a serviceable condition by the owner of the land;
 - e. appropriate drainage and erosion controls are provided;
 - f. gates are provided and locked with a key/lock system authorised by the local Council/ RFS as a Fire Trail.

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.

12. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:
- a. reticulated water is to be provided to the development where available;
 - b. fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
 - c. hydrants are not located within any road carriageway;
 - d. reticulated water supply to urban subdivisions 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 are metal, including and up to any taps;
 - g. where practicable, electrical transmission lines are underground;
 - h. where overhead, electrical transmission lines are proposed as follows:
 - 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.

- i. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- j. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- k. connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- l. above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

13. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the following.

- a. landscaping is in accordance with Appendix 4; and
- b. 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.