Application No: **DA2022/0943**
Property: **2 Potoroo Drive TAREE NSW 2430,**
Officer: **Ben Lim-Cooper**
Created: **28 June 2023 5:36:00 PM**

ATTACHMENT M - 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
EXISTING SITE PLAN / DEMOLITION SITE PLAN	Drawing No: DA010, Revision A	HSPC	06/10/2022
EXISTING GROUND FLOOR PLAN - ZONE 1 / DEMOLITION	Drawing No: DA011, Revision A	HSPC	06/10/2022
EXISTING SITE PLAN / DEMOLITION LOWER GF_ZONE 1	Drawing No: DA011A, Revision A	HSPC	06/10/2022
EXISTING GROUND FLOOR PLAN - ZONE 2 / DEMOLITION	Drawing No: DA012, Revision A	HSPC	06/10/2022
EXISTING GROUND FLOOR PLAN - ZONE 3 / DEMOLITION	Drawing No: DA013, Revision A	HSPC	06/10/2022
PROPOSED SITE PLAN	Drawing No: DA020, Revision F	HSPC	14/03/2023
PROPOSED LOWER GF - ZONE 1_CARPARK	Drawing No: DA021, Revision F	HSPC	14/03/2023
PROPOSED GROUND FLOOR PLAN - ZONE 1	Drawing No: DA030, Revision F	HSPC	14/03/2023
PROPOSED LOWER GROUND FLOOR PLAN - ZONE 1	Drawing No: DA031, Revision F	HSPC	14/03/2023

PROPOSED GROUND FLOOR PLAN - ZONE 2	Drawing No: DA032, Revision B	HSPC	06/10/2022
PROPOSED GROUND FLOOR PLAN - ZONE 3	Drawing No: DA033, Revision A	HSPC	06/10/2022
PROPOSED ROOF PLAN - ZONE 1	Drawing No: DA040, Revision D	HSPC	14/03/2023
PROPOSED ROOF PLAN - ZONE 2	Drawing No: DA041, Revision A	HSPC	06/10/2022
PROPOSED ROOF PLAN - ZONE 3	Drawing No: DA042, Revision A	HSPC	06/10/2022
PROPOSED OVERALL ROOF PLAN	Drawing No: DA043, Revision B	HSPC	06/15/23
PROPOSED ELEVATIONS - ZONE 1	Drawing No: DA200, Revision E	HSPC	14/03/2023
PROPOSED ELEVATIONS - ZONE 2	Drawing No: DA201, Revision A	HSPC	06/10/2022
PROPOSED ELEVATIONS - ZONE 3	Drawing No: DA202, Revision A	HSPC	06/10/2022
PROPOSED ELEVATIONS - ZONE 4	Drawing No: DA203, Revision A	HSPC	06/10/2022
SECTIONS - ZONE 1	Drawing No: DA250, Revision E	HSPC	14/03/2023
SECTIONS - ZONE 2	Drawing No: DA251	HSPC	06/10/2022
LANDSCAPE RATIONALE	Drawing No 631.30566 – 01, Issue E	SLR	12.06.2023
SITE ANALYSIS AND LAYOUT PLAN	Drawing No 631.30566 – 02, Issue E	SLR	12.06.2023
LOWER GROUND - ENTRANCE AND CAR PARK DESIGN	Drawing No 631.30566 – 03, Issue E	SLR	12.06.2023
LOWER GROUND - SUNKEN GARDEN DESIGN	Drawing No 631.30566 – 04, Issue E	SLR	12.06.2023
GROUND - COURTYARD DESIGN	Drawing No 631.30566 – 05, Issue E	SLR	12.06.2023
PROPOSED DEVELOPMENT CATCHMENT PLAN - MUSIC TREATMENT	-	NORTHROP	16/06/2023
PROPOSED DEVELOPMENT	Drawing Number DA-C03.01, Revision C	NORTHROP	16/06/2023

CATCHMENT PLAN - MUSIC TREATMENT			
PROPOSED DEVELOPMENT CATCHMENT PLAN - MUSIC TREATMENT	Drawing Number DA-C03.04, Revision B	NORTHROP	16/06/2023
CIVIL WORKS PLAN - SHEET 1	Drawing Number DA-C03.01, Revision C	NORTHROP	16.06.23
CIVIL WORKS PLAN - SHEET 4	Drawing Number DA-C03.04, Revision B	NORTHROP	07.12.22
STORMWATER DETAILS	Drawing Number DA-C04.01, Revision C	NORTHROP	16.06.23

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 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. 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.

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

5. Geotechnical report - engineering works

Prior to the issue of a construction certificate, a certificate from a suitably qualified engineer must be submitted to the certifying authority, certifying that:

a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards;
b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
c) Adequate drainage has been provided with appropriate considerations given to built over drainage systems.

Reason: To ensure site stability and public safety.

6. 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.

7. 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.

8. Design to ensure the stormwater main will be protected

All footings are to be founded a minimum 300mm below the zone of influence of Councils stormwater drainage system.

Prior to the issue of a construction certificate, engineering details demonstrating compliance are to be submitted to the certifying authority.

Reason: To ensure structural adequacy of the development and drainage line.

9. 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.

10. Liquid Trade Waste Section 68 approval

Prior to the issue of a construction certificate, an approval to discharge liquid trade waste into MidCoast Water's sewer must be obtained under Section 68 of the Local Government Act 1993.

Reason: Statutory requirement.

11. Water and Sewerage Certificate of Compliance

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.

12. Driveway application

Prior to the issue of a construction certificate, a Driveway Application must be submitted to and approved by Council for any new driveway and removal of any redundant vehicular crossing.

Driveways are to be constructed to comply with Council's Driveway Standard SD0101.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

13. 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.

14. 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.

On-site stormwater detention must be designed to restrict stormwater discharge to the pre-development runoff rate for up to and including a 1 in 100 year storm event. Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. All piped drainage lines 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.

15. Construction of buildings in bushfire-prone areas

Prior to the issue of a construction certificate, plans and specifications detailing the construction of the building to Bushfire Attack Level 12.5 (BAL 12.5) in accordance 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), must be submitted to and approved by an appropriately registered certifier. New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Reason: To ensure the development complies with bush fire construction standards.

16. S7.12 Development Contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979. The payable developer contribution amount is detailed below.

1% of the total cost of works ($15,950,000.00)
=$159,500.00

The Contributions Plan and the Standard Schedule for Section 7.12 Plans may be viewed on Council’s web site or at Council’s offices.

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

17. Property access roads - details

Prior to the issue of a construction certificate, plans and specifications for access roads detailing compliance with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

Reason: To provide safe access to/from the public road system for occupants and fire fighters during a bush fire.

18. Car Parking

Prior to the issue of a construction certificate, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the certifying authority. Vehicular access, parking and manoeuvring must be in accordance with Australian Standard AS/NZS 2890.1: Parking facilities: Off-street car parking. Plans must include the following items:

a) Car park and driveway layout;
b) Pavement description (ie being concrete/ bitumen or a similar hard paved surface);
c) Site conditions affecting the access;
d) Existing and design levels;
e) Longitudinal section from the road centreline to the car space(s);
f) Cross sections at appropriate intervals, with a maximum separation of 15 metres.
g) Drainage (pipes, pits, on-site detention, etc.).
h) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
i) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities;
j) Turning paths; and
k) Line-marking and signs.

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

Reason: To ensure suitable vehicular access and manoeuvrability is provided within the development.

19. Stormwater Treatment System

Prior to issue of construction certificate submit final engineering plans and maintenance plan prepared by a suitably qualified professional engineer or environmental scientist (or equivalent), for the stormwater management system generally in accordance with:

- the approved Stormwater Strategy
- Bioretention Technical Design Guidelines. Version 1.1 October 2014, Water by Design, Healthy Waterways Initiative (or current version)

In addition, the engineering plans must detail:

- Size and dimensions of each component of the treatment system (including inlet pits, outlet pits, lining and batter slopes)
- Plantings for the bioretention (and batter slopes) from MidCoast Council's fact sheet 'Raingarden plants' (current version), planted at densities indicated in the fact sheet.
- Filter media of uniform sandy loam texture with a maximum orthophosphate of 40 mg/kg consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, CRC for Water Sensitive Cities (Monash University, Version 2, 2015).
- Maximum batter/side slope no greater than 1:4 (v:h), unless otherwise retained by a structural wall and landscaping.
- Construction staging and measures to avoid damage to the bioretention (particularly the filter media) and wetland during construction
- Bioretention must include protection to the satisfaction of Council to prevent damage / access from vehicles

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.

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

20. Construction certificate required

Prior to the commencement of any building 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*.

21. Notification of commencement and appointment of principal certifier

Prior to the commencement of any building 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*.

22. Toilet facilities - sewered 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.

23. 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 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*.

24. Protection of Services

Prior to the commencement of work on the approved car park within the western portion of the site, consultation with Essential Energy must take place with regard to work methodology and design of the car parking in relation to the 11kV cable located in this area.

Reason: To comply with Essential Energy requirements.

Conditions which must be satisfied during any development work

25. 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.

26. 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.

27. Burning of felled trees prohibited

The burning of trees and vegetation felled during clearing of the site is not permitted. Where possible, vegetation is to be mulched and reused on the site.

Reason: To maintain amenity and environmental protection.

28. Compliance with waste management plan

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the waste management plan prepared by SLR dated 13 July 2022.

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

29. 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

30. 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.

31. 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.

32. Asset Protection Zone (APZ)

From the commencement of building works, and in perpetuity, the entire property must be managed as an inner protection area for a distance of 57 metres measured from the southern elevation of any building in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

Reason: To provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

33. Water and Utilities with regard to bushfire protection

The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - 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.
- 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;
- 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;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible - gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Reason: To ensure compliance is achieved with Planning for Bushfire Protection.

34. Landscaping with regard to bushfire protection

Landscaping to the site is to comply with the principles of 'Planning for Bush Fire Protection 2019' and the NSW RFS document 'Standards for Asset Protection Zones' from the RFS website.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

35. Landscaping and electricity infrastructure

Landscaping to the site must be clear of any electricity infrastructure and associated easements.

Reason: To ensure compliance with Essential energy requirements.

36. Electricity Trench

The zone of influence of the trench must be considered for all structures near the trench, any works must be suitably engineered so they're not undermined should Essential Energy excavate the trench.

It is recommended further consultation with Essential Energy take place in the interpretation of this condition.

Reason: To ensure compliance with Essential energy requirements.

37. SafeWork clearance requirements

It is essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities.

The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

Reason: To ensure compliance with Essential energy requirements.

38. Protection of sub station

Suitable shielding must be erected around parts of the LPG storage to protect the nearby substation in the event of a fire.

Reason: To ensure compliance with Essential energy requirements.

39. 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.

40. Construction of stormwater treatment measures

During building works, construct the stormwater management system so that it is consistent with the approved Stormwater Strategy, engineering plans and all other consent conditions.

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).

Reason: To protect water quality

41. Inspection of stormwater treatment measures

Engage a suitably qualified professional engineer to inspect the stormwater treatment during construction (including offset locations). Verify compliance with the approved plans using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (2010 or current version) using the following sheets:

Bioretention Sheets are:
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 F (Bioretention) - Protective Measures
f) Form G (Bioretention) - Landscape Installation

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

Reason: To protect water quality.

42. Vegetation Removal & Protection

Vegetation clearing is to be restricted to the ten trees identified for removal on the Landscape Concept Plan prepared by SLR and dated July 2022 (Issue D). All other vegetation in the vicinity of the nominated area is to be retained and protected during the clearing operations. During the removal of the vegetation, the following procedure must be followed:

a) Tree removal is to be conducted by licensed and qualified arborists or tree removal contractors only.

b) The extent of vegetation removal is to be clearly marked with flagging tape prior to clearing and contractors undertaking approved works must be instructed directly of all Council's conditions prior to any works commencing on site.

c) Vegetation to be retained adjacent to the development footprint is to be protected with temporary fencing prior to any works commencing on the site and clearly identified with signage as a 'no-go' area. No earthworks, plant, machinery or the storage of any materials is permitted within this area. Tree protection fencing is to be maintained for the duration of the construction works.

d) Tree removal personnel shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared until the animal has vacated the area of its own free will.

e) Tree removal is to be conducted by selective directional felling away from areas of vegetation to be retained. Any ground timber within the clearing area is to be retained and redistributed in the adjoining forest area on the site. All weed-free vegetative waste is to be mulched and used on site to assist in the stabilisation of the ground surface.

f) Twenty local koala food trees are to be replanted in undeveloped areas of the site to compensate for the loss of koala habitat from the land.

Reason: To minimise the loss of native vegetation from the land and protect vegetation to be retained.

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

43. 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.

44. 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 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.

45. Completion of car parking areas and provision of signs

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.

46. Stormwater drainage work

Prior to the issue of an occupation certificate, stormwater must be collected and disposed of to the approved location as set out in the section 68 approval. Drainage lines within the road reserve must be sewer class or other 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.

47. Water and Sewerage Certificate of Attainment

Prior to the issue of an 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.

48. Sealed driveway in accordance with approved Driveways Level Application

Prior to the issue of an occupation certificate, a driveway must be constructed from the edge of the road formation to the property boundary and any redundant vehicular crossings removed in accordance with the approved Driveway Application.

A certificate of compliance must be obtained from Council certifying that the works have been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

49. Section 88B Instrument

Prior to the issue of an occupation certificate, an instrument created under Section 88B of the Conveyancing Act 1919 must be registered on the Certificate of Title and confirmation of registration must be submitted to the certifying authority. The Section 88B Instrument must provide for the items listed in the following table:

Items for inclusion in the Section 88B Instrument	**Details of Item**
Stormwater Treatment System	'Restriction on the Use of Land' prohibiting any alteration to the stormwater treatment system. 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the stormwater treatment system.
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.

Reason: To ensure the proper management of land.

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

50. Maintenance and monitoring of stormwater treatment measures

Maintain the bioretention systems 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 bioswale and 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.

Referral Conditions

51. NSW Rural Fire Service requirements

The development must be carried out in compliance with the following conditions detailed in the Bush Fire Safety Authority, reference No. DA20220927010868-Original-1, dated 9 January 2023.

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

1. From the commencement of building works, and in perpetuity, the entire property must be managed as an inner protection area for a distance of 57metres to the southern elevation in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

● tree canopy cover should be less than 15% at maturity;
● trees at maturity should not touch or overhang the building;
● lower limbs should be removed up to a height of 2 m above the ground;
● tree canopies should be separated by 2 to 5 m;
● preference should be given to smooth-barked and evergreen trees;
● large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
● shrubs should not be located under trees;
● shrubs should not form more than 10% ground cover;
● clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
● grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and

● leaves and vegetation debris should be removed regularly.

Easement restriction of habitable structure within the APZ

2. At the issue of subdivision certificate, a section 88B easement under the Conveyancing Act 1919 is to be created. The easement is to restrict the construction of any habitable part of a building within 57metres to the southern elevation The easement is to ensure the lot accommodates the required Asset Protection Zones (APZs) for the future buildings located on the lot. The name of authority empowered to release, vary, or modify any instrument must be Council.

Construction Standards
The intent of measure 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 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.

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

4. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

● SFPP access roads are two-wheel drive, all-weather roads;
● access is provided to all structures;
● traffic management devices are constructed to not prohibit access by emergency services vehicles;
● access roads must provide suitable turning areas in accordance with Appendix 3; and
● one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression

Water and Utility Services
The intent of measure 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.

5. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

● reticulated water is to be provided to the development where available;
● fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
● hydrants are and not located within any road carriageway;
● reticulated water supply to urban subdivisions uses a ring main system for areas with

perimeter roads;
● fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
● all above-ground water service pipes are metal, including and up to any taps;
● where practicable, electrical transmission lines are underground;
● where overhead, electrical transmission lines are proposed as follows:
    ○ lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    ○ 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.
● 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;
● 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;
● all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
● connections to and from gas cylinders are metal; polymer sheathed flexible - gas supply lines are not used; and
● above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment
The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.

6. Bush Fire Emergency Management and Evacuation Plan is to be in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

● The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
● include planning for the early relocation of occupants.
● an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) in developing and implementing an Emergency Procedures Manual; and
● detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 ‘Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted.
● as required Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities.

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 the occupation of the development.

Details from an appropriately qualified bushfire consultant (BPAD) accredited with the Fire Protection Association of Australia demonstrating compliance with these conditions, must be submitted to the certifying authority prior to the issue of the occupation certificate.

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