Annexure C

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA 8/2018/8371/1

Development: Staged Torrens Title subdivision to create 565 residential lots ranging from 450m² to 879m² , one residential super lot, one commercial super lot, one drainage lot, one public reserve, one local park, five residue lots and ancillary works.

Site: Lot 2 DP 597226, Part Lot 1 DP 597226, Part Lot 3 DP 597226 and Part Lot 1 DP 327785 known as 52 Christy Road, Bellbird NSW 2325

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

Date of determination: 26 March 2021

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

TERMINOLOGY

In this consent:

(a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.

(b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.

(c) Any reference to the “site”, means the land known as Lot 2 DP 597226, Part Lot 1 DP 597226, Part Lot 3 DP 597226 and Part Lot 1 DP 327785 known as 52 Christy Road, Bellbird NSW 2325

The conditions of consent are as follows:

1.0 PRELIMINARY

1.1 General Terms of Approval

All General Terms of Approval issued by the Natural Resource Access Regulator, the Rural Fire Service and the NSW Department of Planning, Industry and Environment must be complied with prior to commencement of, during, and at completion of the development, as required.

The General Terms of Approval are the following:

a) Approval IDAS1111342 issued by the National Resources Access Regulator dated 3 July 2019, pursuant to the *Water Management Act 2000*;

b) Bush Fire Safety Authority under s 100B of the *Rural Fires Act 1997* issued by the NSW Rural Fire Service and dated 22 October 2020 and associated General Terms of Approval;

c) Approval reference EF19/26005 from Heritage NSW, dated 2 October 2020*;*

A copy of the General Terms of Approval from each authority is attached to this determination notice.

The development is also to be carried out in accordance with the conditions set out in the letter from Ausgrid to Cessnock City Council, dated 31 August 2020 (Ausgrid ref: 1900101652)

1.2 Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/837 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Subdivision Plans		
239233(5)-DAC-101-C - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-105-D - Ver D	ADW Johnson	29/07/2020
239233(5)-DAC-106-A - Ver C	ADW Johnson	17/04/2020

239233(5)-DAC-107-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-108-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-109-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-110-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-111-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-112-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-113-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-114-E - Ver E	ADW Johnson	23/09/2020
239233(5)-DAC-115-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-116-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-117-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-118-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-119-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-120-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-121-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-122-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-123-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-124-A - Ver C	ADW Johnson	17/04/2020

239233(5)-DAC-125-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-126-A - Ver C	ADW Johnson	17/04/2020
239233(5)-DAC-127-C	ADW Johnson	17/04/2020
239233(5)-DAC-128-D Ver D	ADW Johnson	29/07/2020
Indicative Staging Plan 239233U-SSK-009-C	ADW Johnson	10/09/2020
Solar Access Plan 239233(5)-PSK-003-B Ver B	ADW Johnson	01/07/2020
Concept Landscape Plans		
239233P(P)-RPRT-003-A	ADW Johnson	27/9/2018
Drainage Reserve Plans		
239233P(5)-ESK-004 Ver B	ADW Johnson	02/04/2020
239233P(5)-ESK-005 Ver B	ADW Johnson	02/04/2020
Survey Plan		
239233(5)-PRPT-004-A	ADW Johnson	28/09/2018
Concept Engineering Plans		
239233P(5)-CENG-001 to 002-E	ADW Johnson	09/09/2020
239233P(5)-CENG-101 to 114-E	ADW Johnson	09/09/2020
239233P(5)-CENG-201-201 to 253E	ADW Johnson	09/09/2020
239233P(5)-CENG-501 to 504-(E)	ADW Johnson	09/09/2020

Documents		
Document Title	**Prepared By**	**Dated**
Statement of Environmental Effects – Bellbird North Central Precinct	ADW Johnson	27/09/2018
Stormwater Management Report – Bellbird North Central Precinct	ADW Johnson	26/09/2018
Ecological Assessment Bellbird North – DA 3	MJD Environmental	28/09/2018
Waste Management Plan Subdivision	-	September 2018
Traffic Impact Assessment	Intersect Traffic	September 2018
Supplementary Traffic Advice / Statement of Evidence for the Proposed Central Precinct (DA8/2018/837/1 in the Bellbird North Urban Release Area	McLaren Traffic Engineering	25/06/2020
Aboriginal Cultural Heritage Assessment Report Cover Sheet Aboriginal Heritage Impact Permit (AHIP) Application Aboriginal Cultural Heritage Assessment Report Letter To Biodiversity Conservation Division	Insite Heritage	May 2020
Bushfire Threat Assessment	MJD Environmental	September 2018
Preliminary Site Investigation Proposed Central Residential Precinct Lot 2 DP 597226, Mount View Grange, Bellbird North, New South Wales and	EP Risk	September 2018

additional information set out in condition 28.17		

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

In the event of any inconsistency between the plans and these conditions of consent, these conditions will prevail.

1.3 Staging of Development

Staging must be undertaken strictly in accordance with the approved Indicative Staging Plan, Version C, dated 10/09/2020 prepared by ADW Johnson.

Two or more stages may be developed concurrently subject to the sequence being complied with and all relevant drainage works, road works and infrastructure works being in place for the relevant lots to be released. The construction works and sequencing of works must at all times be in strictly in accordance with the approved construction management plans.

No site disturbance/earthworks are authorised over land that is not the subject of this consent.

1.4 Maintenance of access to adjoining property

Legal and physical access must be provided throughout the life of the development to the property known as 60 Christie Road Private Access Lot 1 DP 196460, Bellbird. The access must be to an all-weather standard that is compliant with Planning for Bush Fire Protection Guidelines and in accordance with Council's Development Engineering requirements.

1.5 Bulk Earthworks

Bulk earthworks must be undertaken in accordance with Concept Bulk Earthworks/Soil prepared by ADW Johnson dated 14/7/2017 and Concept Engineering Plans prepared by ADW Johnson Project No, 2392333P(5)-CENG numbered 501-504 Rev A dated 28/9/2019 except for the maximum fill to 5m and the maximum cut to -5m.

1.6 Amendment to plans

Concept Engineering drawings 108(E), 110(E), 112(E) and 113(E) and relevant typical cross sections are to be amended to provide for MC01 with a road reserve width of 23m.

2.0 PRIOR TO THE ISSUE OF EACH SUBDIVISION WORKS CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of a Subdivision Works Certificate (SWC) for each stage or stages of the development.

2.1 Road and Drainage Infrastructure

Prior to the issue of a SWC for each stage, the developer is to provide to the Council or certifier, for review and approval, the detailed design for the road and drainage infrastructure works required as part of that stage.

The design is to be set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, the certifier prior to the issue of a SWC.

Section 6 of this consent sets out the road works required as part of each stage. The design of the works specified in those conditions must be completed and approved in accordance with the requirements of those conditions prior to the issue of the SWC.

2.2 Landscaping

The approved landscaping plans must be updated so that only local native species of local provenance grown by a specialist native plant nursery are used for landscaping.

Native species are to be characteristic of the area. Evidence of this must be submitted to and approved by Council's Ecologist prior to issue of a *SWC*.

2.3 Temporary Marking of Asset Protection Zone

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must to be provided to Council's Ecologist prior to the issue of the SWC.

2.4 Nest Boxes

Nest boxes must be installed if hollow bearing trees are removed, at a ratio of at least 2 boxes per hollow. Nest boxes must be installed in mature retained trees on the lot/the Environmental Conservation zone/other area. Evidence that this has occurred must be provided to Council's Ecologist for approval prior issue of the *SWC*.

2.5 Species Management Plan

Prior to the issue of any *SWC* for a stage of the development relating to land on which *Prostanthera cineolifera* is found, the applicant must prepare, submit to Council and obtain approval for a *Prostanthera cineolifera* species management plan.

The management plan must detail how the species and its habitat will be conserved, managed, and improved during construction and occupation of the proposed residential development.

The plan must include measures to ensure that construction works and residential development do not impact on habitat offsite. The plan must address site-based threats as well as those identified by state and commonwealth agencies. These should include but not be limited to an appropriate conservation mechanism, infection by *Phytophthora cinnamomi*, inappropriate fire regime, habitat degradation from weed

infestation and unauthorised access, and sediment, erosion, and unauthorised damage and removal during construction.

2.6 Vegetation Management Plan

Prior to the issue of any *SWC*, the applicant must prepare, submit to Council and obtain approval for a Vegetation Management Plan ('**VMP**') for the revegetation of the RE1 zoned lands in the stages relevant to the SWC. The VMP is to show how that area is to be revegetated with native vegetation and include fencing.

The VMP is to achieve the DCP objectives of minimising land degradation, enhancing the water quality characteristics of the North Bellbird Precinct and actively fostering the promotion of biodiversity and ecological sustainability by compensating for thevegetation to be cleared in the Precinct adjoining riparian areas and on flood prone land. The revegetation is to restore connectivity throughout the RE1 zoned land.

The VMP must be prepared by a suitably qualified and experienced Ecologist and must be for a minimum of five (5) years. The primary objective of the plan must be weed management, regeneration, and replanting of native vegetation throughout the area disturbed by the detention basins and throughout the RE1 zoned land.

Implementation of the VMP must commence immediately following issue of the *relevant Practical Completion Certificate* and the vegetation planted pursuant to the VMP must be implemented to Council's satisfaction.

In preparing and implementing the VMP the following criteria must be addressed:

a. A suitably qualified and experienced professional bush regeneration contractor must be engaged to carry out all revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).

b. A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation and extent of dominant weed infestations.

c. A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided.

d. A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, revegetation and maintenance works. All revegetation and primary weed control must be undertaken within two years following commencement of the VMP for each relevant stage, with secondary weed control undertaken in the second year following commencement of the VMP.

e. Maintenance weed control must continue for the duration of the VMP.

f. Plant species should be selected from those contained within Appendices 2 and 3 of the Cessnock Development Control Plan E.11: North Bellbird Precinct as relevant and as specified. A minimum of 90% survival rate of plantings is required, with replacement planting to occur to achieve this if the required survival rate is not met.

g. Targets for primary, secondary and maintenance phases of the VMP for exotic cover, native canopy cover, native midstorey cover and native ground cover must be at least:

Maintenance Phase	High Threat Weed Cover	Native canopy cover	Native midstorey cover	Native ground cover
Primary	Less than 25%	At least 10% or replanting is required	At least 5% or replanting is required	At least 20%
Secondary	Less than 10%	At least 15% or replanting is required	At least 10% or Replanting is required	At least 30 - 40% cover
Maintenance	Less than 5%	At least 20% or replanting is required	At least 15% or replanting is required	At least 30 – 40% cover

h. If targets are not met by the end of the maintenance phase, additional works are required so that targets are achieved before works can progress to the next maintenance phase.

i. The location and type of fencing or other suitable method of restricting access into the area to which the VMP applies must be identified.

j. Photo monitoring points, details of plan survival, occurrence of natural regeneration and weed density must be used as part of the monitoring of the area and included in each monitoring report.

2.7 Street Trees

A Street Tree Planting plan shall be submitted to, and approved by Council, prior to the issue of a subdivision works certificate. The plan shall be prepared in accordance with Councils requirements.

2.8 Not Used

2.9 Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, linemarking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details must be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any *SWC*, and subsequent Section 138 Roads Act Approval.

2.10 Detention Basin Engineering Checking

The applicant must pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a SWC for the stage. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges.

2.11 Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing

$25,000 or more. The Long Service Levy is payable prior to the issue of a *SWC.*

2.12 Road – Fees

The applicant shall make payment of fees as follows:-

2.12.1 **Road fees** - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.

2.12.2 **Road fees** – PC supervision in accordance with Councils adopted fees and charges current at the time of payment.

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

The fees shall be payable prior to the issue of a SWC and Section 138 for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

2.13 Stormwater – Construction Management Plan Requirement

A construction management plan shall be submitted prior to the issue of any SWC and approved by the Principal Certifier as satisfying the below requirements:

(a) Details of sedimentation and erosion control

(b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

(c) Details of dust mitigation on building sites and access roads

(d) Location and phone number of the site office

(e) Details regarding provision of areas set aside for the storage/stockpiling of:

i) Construction refuse

ii) Construction materials

iii) Raw materials such as sand, soil, mulch and the like

iv) Details regarding the provision of facilities for workers associated with the development.

(f) a Dam Dewatering Plan for the existing farm dams that will be removed as a result of the proposal. The Dam Dewatering Plan must address the dewatering process for the removal and filling of dams. Details of the dewatering process are to include, but are not limited to: the proposed method of water disposal; schedule of works relating to the draining and filling of dams; proposed method for capturing and rescuing fauna; proposed relocation sites for fauna; and the protocol for injured fauna and

environmental protection measures (i.e. sediment and erosion control and weed control).

The construction management plan must be complied with while the subdivision works are carried out.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements, and the Department of Housing 'Soil and Water Management for Urban Developments'.

2.14 Stormwater – Detailed Design Requirements

A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout must include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with each *SWC* application are to demonstrate compliance with this requirement. The plans are to be approved by the *CA* as satisfying this requirement prior to the issue of a *SWC.*

2.15 Stormwater – Detention Requirement

The developer is to provide a stormwater detention facility to facilitate each phase/stage of the development within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the SWC application for each phase/stage are to demonstrate compliance with this requirement.

The plans are to be approved by the *Certifier* as satisfying this requirement prior to the issue of a *SWC.*

2.16 Not Used

2.17 Flooding – Downstream Impacts

Prior to the issue of a *SWC*, the applicant shall provide evidence to the Certifier that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year, to the 1 in 100 year Average Recurrence Interval (ARI) storm events, by the inclusion of on-site stormwater detention controls. A detailed drainage design shall be prepared for the disposal of roof and surface water from the

site, including any natural runoff currently entering the property.

Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's "Engineering Requirements for Development".

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics.

The plans submitted are to demonstrate compliance with this requirement and be approved by the Certifier prior to the issue of a *SWC*.

2.18 Street Lighting Design

Prior to the issue of a *SWC*, a proposed lighting design prepared by a Level 3 Ausgrid Accredited Service Provider is to be submitted to the Council for approval, such complying with the following design brief:-

Street lighting standards:-

- Ausgrid's NS119 Street Lighting Design and Construction, and
- AS/NZS 60598.2.3 Particular requirements – Luminaries for road and street lighting.

Street lighting design requirements:-

- Unpainted galvanised light poles and associated fittings;
- Minimum of 20 year design life for all lighting components and structures, and
- Best practice energy efficient LED luminaries to meet Council's participation in the IPART Energy Saving Scheme for Public Lighting.

Street lighting level standards for minor collector and local roads (residential):-

- AS/NZ 1158 Lighting for roads and public spaces, and
- AS/NZ 1158 Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.

Street lighting level standards for arterial and major roads (Traffic Route Lighting):-

- AS/NZ 1158 Lighting for roads and public spaces, and
- AS/NZ 1158 Part 1.1: Vehicular traffic (Category V) lighting – Performance and design requirements.

3.0 PRIOR TO COMMENCEMENT OF WORKS – ALL STAGES

The following conditions are to be complied with prior to the commencement of works on the subject site/s:

3.1 Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the *CA* as satisfying these matters prior to the commencement of works.

a) A plan view of the entire site and frontage roadways indicating:

   i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

   ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.

   iii) The locations of proposed work zones in the frontage roadways.

   iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.

   v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

   vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

   vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.

   viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.

   ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

   x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.

b) During excavation, demolition and construction phases, noise generated from the site must be controlled.

c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.

d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.

e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council must be made a minimum of six (6) weeks

prior to the proposed activity being undertaken.

3.2 Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan that is compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the *CA* as satisfying these matters prior to the commencement of works.

a) Minimise the area of soils exposed at any one time

b) Conservation of top soil

c) Identify and protect proposed stockpile locations

d) Preserve existing vegetation. Identify revegetation technique and materials

e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner

f) Control surface water flows through the site in a manner that:

   i) Diverts clean-runoff around disturbed areas

   ii) Minimises slope gradient and flow distance within disturbed areas

   iii) Ensures surface run-off occurs at non erodible velocities

   iv) Ensures disturbed areas are promptly rehabilitated.

g) Sediment and erosion control measures in place before work commences

h) Materials are not tracked onto the road by vehicles entering or leaving the site

i) Details of drainage to protect and drain the site during works.

3.3 Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance must also note the location and the risk.

3.4 Section 138 *Roads Act 1993* Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

3.5 Soil and Water Management Plan Implemented

The requirements of the Soil and Water Management Plan must be in place prior to the commencement of demolition works and/or construction works and must be maintained throughout the demolition and/or construction process.

3.6 Relocation of Services

The registered proprietor of the land must be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

3.7 Road – Bonds (external)

Where public road upgrades are constructed as part of a development the applicant must provide to Council a performance and maintenance bond of a minimum of $1000or 5% of the contract construction costs, whichever is greater, to be held by council for a period of 12 months.

The applicant must submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond must be provided prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

3.8 Dilapidation Report - Council Property

A dilapidation report on the visible and structural condition of the public infrastructure listed below must be provided to Council prior to the commencement of works for each stage*:*

a) Road Pavement for the construction vehicle route identified within the approved construction and traffic Management plan. The roadways are to include Abbotsford Street and other roads identified as construction traffic routes.

The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant.

4.0 WORKS REQUIRED AS PART OF FIRST STAGE OF DEVELOPMENT

The following works are required to be constructed as part of the first phase(s) or stage(s) of development constructed by the developer.

4.1 Christy Road

The construction of Christy Road, to the intersection of with Mount View Road, must be entirely completed prior to the issue of any *Subdivision Certificate* for the first stage of the development which is constructed.

4.2 Detention Basin

The dam and overflow spillway must be designed by a suitably qualified person. The overflow spillway is not to directly discharge on to any neighbouring property, other than through an existing watercourse.

The materials used for the banks of the dam are to be comprised of material excavated from the site if suitable. If materials are to be imported from other sites, the applicant is to notify Council of the origin of the fill.

The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours' boundary fences, and does not cause nuisance or flooding of those areas for storm events less than 1% AEP.

To ensure stability of the dam embankment, exposed soil embankments are to be stabilised using appropriate grass species, to the satisfaction of Council. Trees or shrubs are not to be planted on the embankment, as roots may provide a seepage path for water, and weaken the dam wall.

The dam must be designed to handle storm flows, and the dam walls are to be sufficiently compacted to prevent seepage or slumping.

The dam wash is not to direct flows onto the downstream top of wall of the dam.

The dam is to have a cut off trench that is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.

The toe of all proposed fill batters is to be at least 3 metres clear of all lot boundaries.

The dam is to be maintained in a condition free of noxious aquatic weeds, and in a manner that minimises the breeding of mosquitoes.

5.0 CONDITIONS APPLYING DURING WORKS

The following conditions are to be complied with during works for any stage of the development.

5.1. Retention of Trees and Vegetation

All Trees within the RE 1 Public Reservation Zone must be retained and protected from construction activity through the life of the development, except those trees identified as being removed for the construction of drainage and road infrastructure.

Prior to the commencement of works, the boundaries of the retained native vegetation on the site must be clearly delineated using temporary protective fencing or brightly coloured tape. Clearing works or other development activities must not occur beyond the boundaries of the vegetation approved for removal. Evidence that boundaries of the retained native vegetation have been marked using temporary protective fencing or brightly coloured tape must to be provided to Council's Ecologist prior to the *SWC* being issued.

5.2 Soft-felling of Hollow Bearing/Habitat Trees

A hollow bearing/habitat tree survey must be undertaken by a fauna ecologist in the week prior to the felling of any trees. During the survey, the ecologist is to tap the tree, by banging the base of each tree with a mallet or using a similar method, to encourage any fauna to vacate. An observation period of at least 5 minutes per tree is required to observe the emergence of any fauna, and observations must be noted. All hollow bearing/habitat trees must be marked as part of the survey.

All surrounding trees that are not hollow bearing or habitat trees must be cleared at least one day prior to felling of any hollow bearing/habitat trees.

Equipment used to fell hollow bearing or habitat trees must be capable of slowly lowering the trees to the ground. A qualified fauna ecologist must be present during the felling of the trees. The fauna ecologist must have the appropriate skills and equipment to perform euthanasia if necessary. Immediately prior to felling, each hollow bearing/habitat tree should be tapped or gently shaken with the equipment followed by an observation period of at least one minute to watch for the emergence of any fauna. The tree should be tapped again, followed by a second observation period of at least one minute. If fauna appear during the observation period, the ecologist should encourage the fauna to relocate. If no fauna appear, the tree is to be lowered to the ground slowly and gently. The hollows of the felled tree should be inspected for fauna by the ecologist after it has settled.

5.3. Care of Native Fauna Found in Felled Trees

Any uninjured fauna should be relocated to nearby bushland. Any nocturnal fauna should be kept in a suitable cage in a shaded location until dusk, and then released into nearby bushland. If juvenile fauna are discovered in hollows after a tree is felled, they are to be taken into the care of an organisation such as the Native Animal Trust Fund.

Injured fauna should be assessed by the ecologist, and euthanised if their injuries are such that the ecologist considers that they are unlikely to survive. If injured fauna are likely to survive, they should be taken to a vet for treatment. After treatment, fauna should be taken to an organisation such as the Native Animal Trust Fund for care until

they can be released.

5.4. Tree Protection

Stockpiling or storage or mixing of materials (including soil), vehicle parking, disposal of liquids, machinery repairs, refuelling and the siting of any new offices or sheds must not occur within the land zoned RE1 during any stage of the development.

The fencing or tape along the boundaries of retained native vegetation must remain in place until the completion of construction works.

5.5 Asset Protection Zones

Clearing of native vegetation and development activities must only occur within the approved extent of works and Asset Protection Zone. Existing trees must be retained where possible within the Asset Protection Zones.

A record of the number of trees cleared on the site must be kept.

5.6 Clearing of Development Footprint

During construction works all plant machinery must be washed before entering the site to prevent the spread of exotic species.

5.7 Not Used

5.8 Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

5.9 Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

5.10 Virgin Fill to be Used

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

5.11 Implementation of Soil and Water Management Plan

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

5.12 Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and must be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

5.13 Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

6.0 REQUIREMENTS PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATES FOR SPECIFIED STAGES / LOTS

The following conditions are to be satisfied prior to issue of a Subdivision Certificate for the specific stages set out below.

6.1 Stage 1 Road Construction (MC01, MC07, MC39, MC40, MC41, MC43)

The developer must construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 1.

(a) **MC01** – construct 13m road pavement, 1.5m wide footpath, 2.5m wide shared path within 23m road reserve (Approximate length 935m).

(b) **MC07** – Construct 9m road pavement, 1.5m wide footpath, within a 18m road reserve. (Approximate length 105m)

(c) **MC39** – Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximate length 268m)

(d) **MC40** – Construct 8m road pavement, 2m wide shared path, within a 21.5m road reserve. (Approximate length 125m)

(e) **MC41** – Construct 6m road pavement within a 13m road reserve. (Approximate length 24m)

(f) **MC43** – Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximate length 35m)

(g) Construction of kerb and gutter

(h) Topdressing and turfing of footpath

(i) Construction of drainage works

(j) Provision of a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.2 Stage 2 Road Construction (MC40, MC43)

The developer must construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 2.

(a) **MC40** - Construct 8m road pavement, 2m wide shared path, within a 21.5m road reserve. (Approximate length 6m)

(b) **MC43 (East of MC40)** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximate length 184m)

(c) **MC43 (West of MC40)** - Construct 8m road pavement, 2m wide shared path within a 17m road reserve. (Approximate length 61m)

(d) Construction of kerb and gutter

(e) Topdressing and turfing of footpath

(f) Construction of drainage works

(g) Provision of temporary turning head with a 8.5m radius at the termination

of construction works with future stages.

6.3 Stage 3 Road Construction (MC07, MC27, MC28, MC37)

The developer must construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 3.

(a) **MC07-** Construct 9m road pavement, 1.5m wide footpath, within a 18m road reserve. (Approximate length 76m)

(b) **MC27**- Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximate length 22m)

(c) **MC37** Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximate length 225m)

(d) **MC38-** Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximate length 40m)

(e) Construction of kerb and gutter

(f) Topdressing and turfing of footpath

(g) Construction of drainage works

(h) Provision of a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.4 Stage 5 Road Construction (MC40, MC41)

The developer must construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 5.

(a) **MC40** - Construct 8m road pavement, 2m wide shared path, within a 21.5m road reserve. (Approximate length 195m)

(b) **MC41** - Construct 6m road pavement within a 13m road reserve. (Approximate length125m)

(c) Construction of kerb and gutter

(d) Topdressing and turfing of footpath

(e) Construct of drainage works

(f) Provision of a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.5 Stage 6 Road Construction (MC07, MC27)

The developer must construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 6.

(a) **MC07**- Construct 9m road pavement, 1.5m wide footpath, within a 18m road reserve. (Approximate length 180m)

(b) **MC27** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximate length 130m)

(c) Construction of kerb and gutter

(d) Topdressing and turfing of footpath

(e) Construction of drainage works

(f) Provision of a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.6 Stage 7 Road Construction (MC27, MC38)

The developer must construct the following, for a length of approximately 250m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 7.

(a) **MC27**- Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 100m)

(b) **MC38-** Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 150m)

(c) Construct kerb and gutter

(d) Topdress and turf footpath

(e) Construct drainage works.

(f) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.7 Stage 8 Road Construction (MC07, MC27, MC37, MC43)

The developer must construct the following, for a length of approximately 759m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 8.

(a) **MC07** – Construct 9m road pavement, 1.5m wide footpath, within a 18m road reserve. (Approximately 260m)

(b) **MC27 (east of MC43)** – Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 61m)

(c) **MC27 (west of MC43)** – Construct 8m road pavement, 2m wide shared path within a 17m road reserve (Approximately 22m)

(d) **MC37** – Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve Approximately 36m)

(e) **MC43 (north of MC27)**– Construct 8m road pavement, 2m shared path within a 17m road reserve. (Approximately 296m)

(f) **MC43 (south of MC27)**– Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 81m)

(g) Construct kerb and gutter

(h) Topdress and turf footpath

(i) Construct drainage works.

(j) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.8 Stage 9 Road Construction (MC07, MC25, MC27)

The developer must construct the following, for a length of approximately 295m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 9.

(a) **MC07-** Construct 9m road pavement, 1.5m wide footpath, within a 18m road reserve. (Approximately 110m)

(b) **MC25-** Construct 8m road pavement, 2m wide shared path within a 17m road reserve (Approximately 90m)

(c) **MC27-** Construct 8m road pavement, 2m wide shared path within a 17m road reserve (Approximately 95m)

(d) Construct kerb and gutter

(e) Topdress and turf footpath

(f) Construct drainage works.

(g) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.9 Stage 10 Road Construction (MC25, MC42)

The developer must construct the following, for a length of approximately 430m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 10.

(a) **MC25** - Construct 8m road pavement, 2m wide shared path within a 17m road reserve (Approximately 240m)

(b) **MC42** - Construct 6m road pavement within a 13m road reserve (Approximately 190m)

(c) Construct kerb and gutter

(d) Topdress and turf footpath

(e) Construct drainage works.

(f) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.10 Stage 11 Road Construction (MC01, MC04, MC44)

The developer must construct the following, for a length of approximately 813m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 11.

(a) **MC01** – construct 13m road pavement, 1.5m wide footpath and 2.5m wide shared path within 23m road reserve (Approximately 470m). including shared path footpath on both sides.

(b) **MC01 Crossing** – Construct concrete crossing over drainage reserve with 9m wide pavement, 1.5m wide footpath, and 2.5m wide shared path.

(c) **MC04** – construct 13m road pavement, 2m wide shared path, within a 22m road reserve. (Approximately 113m)

(d) **MC44** – construct 6m road pavement within a 13m road reserve. (Approximately 160m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages

(i) Construct a roundabout at the intersection of MC01 and MC04 in accordance with Austroads 'Guide to Road design'.

6.11 Creek Crossing Adequacy

A structural and hydraulic design of the proposed road crossing of the Creek is to be submitted. Such crossing must include flood warning signage, depth indicators and reflective guideposts in accordance with *AS 1743:2001 – Road signs - Specifications*. The detailed plans, specifications and copies of the calculation, including existing and proposed surface levels, catchments and conduit sizing appropriate for the development must be prepared by a suitably qualified and experienced engineer and submitted to the *CA* prior to the issue of a *SWC* for that stage.

6.12 Stage 12 Road Construction (MC02, MC04, MC21, MC44)

The developer must construct the following, for a length of approximately 435m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 12.

(a) **MC02** – construct 6m road pavement within a 13m road reserve (Approximately 150m)

(b) **MC04** – construct 13m road pavement, 2m wide shared path, within a 22m road reserve (Approximately 85m)

(c) **MC21** – construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 160m)

(d) **MC44** - construct 6m road pavement within a 13m road reserve (Approximately 40m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.13 Stage 13 Road Construction (MC20, MC17, MC26)

The developer must construct the following, for a length of approximately 345m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 13.

(a) **MC20**- Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve Approximately 220m)

(b) **MC17-** Construct 7m road pavement, 1.5m footpath within a 15m road reserve. (Approximately 45m)

(c) **MC26-** Construct 8m road pavement, 1.5m wide footpath within a 16m road reserve (Approximately 80m)

(d) Construct kerb and gutter

(e) Topdress and turf footpath

(f) Construct drainage works.

(g) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stage.

6.14 Stage 15 Road Construction (MC03, MC04, MC21, MC26)

The developer must construct the following, for a length of approximately 555m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 15.

(a) **MC03** - Construct 6m road pavement within a 13m road reserve (Approximately 114m)

(b) **MC04** - Construct 13m road pavement, 2m wide shared path, within a 22m road reserve. (Approximately 222m)

(c) **MC21** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 115m)

(d) **MC26** - Construct 8m road pavement, 1.5m wide footpath within a 16m road reserve (Approximately 110m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.15 Stage 16 Road Construction (MC17, MC19)

The developer must construct the following, for a length of approximately 475m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 16.

(a) **MC17** - Construct 7m road pavement, 1.5m footpath within a 15m road reserve (Approximately 120m)

(b) **MC19** -Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 160m)

(b) Construct kerb and gutter

(c) Topdress and turf footpath

(d) Construct drainage works.

(e) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.16 Stage 17 Road Construction (MC04, MC14, MC23, MC24)

The developer must construct the following, for a length of approximately 485m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 17.

(a) **MC04 (east of road MC14)**- Construct 13m road pavement, 2m wide shared path, within a 22m road reserve (Approximately 20m)

(b) **MC04 (west of road MC14)**- Construct 9m road pavement, 2m wide shared path, within a 18m road reserve (Approximately 89m)

(c) **MC14** - Construct 2 x 6.5m road pavement, 8m wide drainage swale / median, 2 x 1.5m footpath within 31m road reserve. (Approximately

165m)

(d) **MC23** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 150m)

(e) **MC24** - Construct 6m road pavement within a 13m road reserve (Approximately 24m)

(f) Construct kerb and gutter

(g) Topdress and turf footpath

(h) Construct drainage works.

(i) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.17 Stage 18 Road Construction (MC14, MC17, MC19, MC26)

The developer must construct the following, for a length of approximately 300m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 18.

(a) **MC14** - Construct 2 x 6.5m road pavement, 8m wide drainage swale / median, 2 x 1.5m footpath within 31m road reserve (Approximately 90m)

(b) **MC17** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 44m)

(c) **MC19** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 26m)

(d) **MC26** - Construct 8m road pavement, 1.5m wide footpath within a 16m road reserve (Approximately 140m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.18 Stage 19 Road Construction (MC04, MC24)

The developer must construct the following, for a length of approximately 345m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 19.

(a) **MC04** - Construct 9m road pavement, 2m wide shared path, within a 18m road reserve. (Approximately 234m)

(b) **MC24** - Construct 6m road pavement within a 13m road reserve. (Approximately 80m)

(c) Construct kerb and gutter

(d) Topdress and turf footpath

(e) Construct drainage works.

(f) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.19 Stage 20 Road Construction (MC04, MC23, MC24, MC35)

The developer must construct the following, for a length of approximately 261m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 20.

a) **MC04** - Construct 9m road pavement, 2m wide shared path, within a 18m road reserve. (Approximately 55m)

b) **MC23** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 85m)

c) **MC24** - Construct 6m road pavement within a 13m road reserve. (Approximately 46m)

d) **MC35** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 166m)

e) Construct kerb and gutter

f) Topdress and turf footpath

g) Construct drainage works.

h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.20 Stage 21 Road Construction (MC04, MC14, MC15, MC23)

The developer must construct the following, for a length of approximately 576m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 21.

(a) **MC04**- Construct 9m road pavement, 2m wide shared path, within a 18m road reserve. (Approximately 110m)

(b) **MC14-** Construct 2 x 6.5m road pavement, 8m wide drainage swale / median, 2 x 1.5m footpath within 31m road reserve (Approximately 92m)

(c) **MC15-** Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 250m)

(d) **MC23-** Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 90m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.21 Stage 22 Road Construction (MC04, MC14, MC23, MC31, MC36)

The developer must construct the following, for a length of approximately 451m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for

Stage 22.

(a) **MC04** -Construct 9m road pavement, 2m wide shared path, within a 18m road reserve (Approximately 65m)

(b) **MC14** - Construct 2 x 6.5m road pavement, 8m wide drainage swale / median, 2 x 1.5m footpath within 31m road reserve. (Approximately 119m)

(c) **MC23** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 90m)

(c) **MC31** - Construct 7m road pavement within a 15m road reserve. (Approximately 43m)

(d) **MC36** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 175m)

(e) Construct kerb and gutter

(f) Topdress and turf footpath

(g) Construct drainage works.

(h) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

6.22 Stage 23 Road Construction (MC04, MC23, MC29)

The developer must construct the following, for a length of approximately 325m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 23.

(a) **MC04** - Construct 9m road pavement, 2m wide shared path, within a 18m road reserve. (Approximately 80m)

(b) **MC23** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 39m)

(c) **MC29** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 205m)

(d) Construct kerb and gutter

(e) Topdress and turf footpath

(f) Construct drainage works.

(g) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages

6.23 Stage 25 Road Construction (MC04, MC29, MC30, MC45)

The developer must construct the following, for a length of approximately 553m, in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, approved by Council prior to the issue of a Subdivision Certificate for Stage 25.

(a) **MC04** - Construct 9m road pavement, 2m wide shared path, within a 18m road reserve. (Approximately 141m)

(b) MC14 - Construct 2 x 6.5m road pavement, 8m wide drainage swale / median, 2 x 1.5m footpath within 31m road reserve. (Approximately 130m)

(c) **MC29** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve (Approximately 40m)

(d) **MC30** - Construct 6m road pavement within a 13m road reserve

(Approximately 117m)

(e) **MC45** - Construct 7m road pavement, 1.5m wide footpath within a 15m road reserve. (Approximately 255m)

(f) Construct kerb and gutter

(g) Topdress and turf footpath

(h) Construct drainage works.

(i) Provide a temporary turning head with a 8.5m radius at the termination of construction works with future stages.

SPECIFIC INTERSECTION AND ROAD UPGRADE WORKS REQUIRED

6.24 Roadworks external – Initial works of 11-25 stage

No *Subdivision Certificate* may be issued for Stage 11, or any subsequent stage of the approved development, unless the following works have been constructed, in accordance with Council's 'Engineering Requirements for Development' and any other applicable requirements:

a) Abbotsford Street is required to be constructed to allow for a minimum 9 metre wide carriageway.

b) The existing wearing course is to comprise a width of 7 metres and a 2 coat bitumen seal.

c) Concrete footpaths are to be provided adjacent each travel lane.

d) Kerb and gutter is to be provided where required by the Council.

e) Drainage works are to be constructed where necessary.

Note: The above upgrading works in Abbotsford Street are to be completed so as to provide the primary eastbound traffic thoroughfare for stages 11 to 25 of the proposed development.

6.25 Road works external (Initial works of stages 1 – 10)

No *Subdivision Certificate* may be issued for Stage 6, or any subsequent stage of the approved development, unless the following works have been constructed within Mount View Road and Christy Road, in accordance with Council's 'Engineering Requirements for Development' and any other applicable guidelines:

a. at the intersection of Mount View Road and Christy Road, a Rural Channelised T Junction – Short Lane type CHR (S), providing priority to the Christy Road and Mount View Road (North) legs of the intersection, in compliance with the Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections;

b. at the intersection of Mount View Road and Christy Road, a Rural Channelised Left-turn CHL with high entry angle, from Mount View Road (west) to Mount View Road (north), in compliance with the Austroads

Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections.Upgrade Christy Road, from Mount View Road to Road MC01, to the equivalent standard as Road MC01; and

c. upgrade Christy Road, from Mount View Road to Road MC01, to the equivalent standard as Road MC01.

The design is to be submitted on a set of plans, four (4) copies of which must be submitted to and approved by Council prior to release of the s138 Roads Act approval.

6.26 Roadworks external – Mount View Road / Oakey Creek Road

No *Subdivision Certificate* may be issued for Stage 6, or any subsequent stage of the approved development, unless the following works have been constructed in accordance with Council's 'Engineering Requirements for Development' and any other applicable guidelines:

a. at the intersection of Mount View Road and Oakey Creek Road, a Channelised right turn / auxillary left turn (CHR/CHL) treatment, providing priority to Oakey Creek Road, in compliance with the Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections.

6.27 Roadworks external – Wollombi Road / Abbotsford Street

No *Subdivision Certificate* may be issued for the 655th residential lot, or any subsequent residential lot in the approved development, unless the intersection of Wollombi Road / Abbotsford Street has been signalised in accordance with Council's 'Engineering Requirements for Development' and any other applicable guidelines.

6.28 Roadworks external – Wollombi Road / Mount View Road

No *Subdivision Certificate* may be issued for 1,062nd, or any subsequent residential lots in the approved development, unless the intersection of Wollombi Road / Mount View Road has been signalised in accordance with Council's 'Engineering Requirements for Development' and any other applicable guidelines.

6.29 Roadworks external – Upgrade of Wollombi Road

(1) No *Subdivision Certificate* may be issued for the for the 415th residential lot, or any residential lots subsequent to those lots, unless Wollombi Road has been upgraded to four lanes, in accordance with Council's 'Engineering Requirements for Development', between Abbotsford Road and Mount View Road.

(2) No *Subdivision Certificate* may be issued for the for the 1,165th residential lot, or any residential lots subsequent to those lots, unless Wollombi Road has been upgraded to four lanes, in accordance with Council's 'Engineering Requirements for Development', between Mount View Road and West Avenue.

7.0 PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of any and all Subdivision Certificates for the development.

7.1 Contamination and Validation

Implementation of Remedial Action Plan

1. Prior to the issue of a subdivision certificate for a stage of the development the land the subject of the stage must be remediated in accordance with:
    a. The approved Preliminary Site Investigation, Proposed Central Residential Precinct Lot 2 DP 597226, Mount View Grange, Bellbird North, New South Wales, prepared by EP Risk, 24 September 2018, reference EP0933.1;
    b. The approved Preliminary Site Investigation, Bellbird North – Stage 1, Ruby Street Bellbird, prepared by EP Risk, 24 February 2020, reference EP0578.001_Rev4;
    c. The approved Preliminary Site Investigation Bellbird North – Stage 1 Lot 3 DP 597226, Bellbird NSW, prepared by EP Risk, dated 17 August 2017, reference EP0578.002;
    d. The approved Remediation Action Plan Lot 2 and 3 DP 597226, Bellbird, New South Wales, prepared by EP Risk, dated 2 August 2020, reference EP1611.001_v2;
    e. The approved Contaminated Site Audit Report, Ruby Street, Bellbird, NSW DA 8/2017/459/1 and DA 8/2018/859/1, prepared by Tim Chambers, dated 1 May 2020, reference 19005 SAR TNC124-B ;
    f. The approved Site Audit Statement, prepared by Tim Chambers, dated 27 August 2020, reference TNC140;
    g. Cessnock Contaminated Land Policy – Land Use Planning;
    h. State Environmental Planning Policy No. 55 - Remediation of Land;
    i. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
    j. The guidelines in force under the Contaminated Land Management Act 1997.
2. The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the remediation and validation works in accordance with the approved Remedial Action Plan.
3. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council and the Principal Certifying Authority in writing.
4. Any variations to the approved Remediation Action Plan must be prepared, or reviewed and approved by an EPA accredited site auditor, and submitted to Council prior to the commencement of such work.

Validation

1. Prior to issue of the Subdivision Certificate, the proponent must submit a

detailed Validation Report to Council and the Certifying Authority.

2. The Validation Report must be prepared in accordance with:
    a. Cessnock Contaminated Land Policy – Land Use Planning;
    a. NSW Contaminated Land Planning Guidelines (1998);
    b. Relevant EPA Guidelines, noting in particular the NSW OEH (2020) Guidelines for Consultants Reporting on Contaminated Sites; and
    c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).
3. 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 Section 7 of the Cessnock Contaminated Land Policy – Land Use Planning. The front cover of the report must include the details of the consultant's certification.
4. The Validation Report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan Lot 2 and 3 DP 597226, Bellbird, New South Wales, prepared by EP Risk, 2 August 2020, reference EP1611.001_v2.

7.2 Plan of subdivision

Prior to the issue of a *Subdivision Certificate*, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

a) Evidence that all conditions of Development Consent have been satisfied

b) Evidence of payment of all relevant fees

c) The 88B instrument plus six (6) copies

d) All surveyor's or engineer's certification required by the Development Consent.

7.3 Works-As-Executed Plan

Prior to issue of a *SC*, the applicant shall submit for approval a works-as-executed (WAE) drawing prepared by a registered surveyor (marked up in red) of the completed civil works in an electronic copy and a dwg file suitable for Council's GIS system which is provided in a Map projection of:- MGA Zone 56 (GDA 94) (EPSG:28356). Council's GIS unit can be contacted for a suitable format.

The *WAE* file must be submitted to, and approved by, the *PC* , clearly showing all aspects of the constructed drainage, roads and / or OSD. The plan must include:

a) Sufficient levels and dimensions to verify the constructed storage volumes

b) Location and surface levels of all pits

c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit

d) Finished floor levels of all structures and driveways

e) Verification that trash screens and/or GPTs have been installed

f) Locations and levels of any overland flow paths

g) Surface levels of pits and surrounding ground levels

h) Levels of spillways and surrounding kerb

i) Floor levels of buildings, including garages

j) Top of kerb levels at the front of the lot

k) Dimensions of stormwater basins and extent of inundation

l) Calculation of actual detention storage volume provided

m) Full pavement variation details

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to and approved by *PC* prior to the issue of a *SC*.

7.4 88B Certificate Required

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at their discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

7.5 Flooding

The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by Cessnock Council, on affected lots shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over the affected lots, providing as follows:-

a) Prohibiting all building works within the area of inundation of the 100 year Average Recurrence Interval (ARI) flood determined by Cessnock council.

b) The floor level of all habitable buildings shall be 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

c) Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application. The signed 88B instrument shall be submitted to Council prior to issue of the *SC*.

7.6 Public Road Dedication

Prior to the issue of the Subdivision Certificate the applicant is to provide a survey plan, prepared by a registered surveyor, of the proposed land to be dedicated and a plan of the remnant lands must be submitted to Council, prior to registration with NSW Land and Property Information.

Dedication of all constructed roads relevant to each stage must be made to Council as a public road.

Council will not accept the dedication of any land unless it is in a suitable state for its proposed use. A certificate from a registered auditor to this effect will need to be submitted to Council if the land has been used for any purposes that may lead to contamination.

7.7 Dedication of Land

Prior to the granting of a SC for the final stage of subdivision, the applicant shall dedicate to Council, that part of the RE1 Public Reservation Zone generally marked as Drainage Reserve" on the plan prepared by ADW Johnson titled "Bellbird Central Drainage Reserve" dwg ref 239233P(5)-ESK-004(B) dated 02/042020.

7.8 Inter-allotment Drainage Easement

The applicant must provide a 1.5m wide inter-allotment drainage easement to drain the proposed Lots that do not naturally drain to the road. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the Subdivision Certificate.

Note:

a) A suitable 88B instrument creating the easement, in accordance with the requirements of the *Conveyancing Act 1919*, shall be submitted to Council, prior to endorsement of the surveyor's transparency.

b) Construction shall be completed prior to endorsement of the surveyor's transparency

7.9 Not used.

7.10 Quality Assurance

Prior to issue of a *SC*, the applicant is to submit a digital copy of all test results confirming compliance with Council's development engineering requirements.

7.11 Road – Bonds

The applicant shall provide to Council a performance and maintenance bond of a minimum of $1000 or 5% of the contract construction costs, whichever is the greater, to be held by Council for a period of 12 months.

The applicant must submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *SC*.

The bond may be used to meet any costs referred to above and, on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the *SC* for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995

7.12 Vegetation Management Plan

Prior to the issue of a relevant *SC*, all planting, primary weed removal and works/activities required under the Vegetation Management Plan must be implemented, except for the ongoing maintenance works.

Prior to the issue of a *SC*, documentary evidence from a qualified ecologist must be provided, verifying that the site has been inspected and that the required planting, weed removal and any other recommendation in the Vegetation Management Plan have been satisfactorily conducted.

7.13 Ecology - Tree replacement

All trees, based on the approximate number removed, must be replaced at a ratio of at least 4:1 by local native trees consistent with the requirements of the approved VMP and grown from seed of local provenance by a specialist native plant nursery. Replacement plants must be planted outside of the Asset Protection Zone and must be located within the RE1 zoned land to enhance and restore connectivity between patches of remnant vegetation. Evidence that this has occurred is to be provided to Council's Ecologist for approval prior issue of the S*C*.

7.14 Section 7.11 Development Contributions

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed in the table below must be made to Council prior to the issue of a *SC:*

Bellbird North Local Catchment		
Contribution Type	**Plan per lot amount**	**Total amount payable (575 lots with 4 existing lots total 571)**
Open Space and Recreation Facilities	$11,935.54	$6,815,193.34
Community Facilities	$1,729.41	$987,493.11
Cycleway Facilities	$1,371.90	$783,354.90
Roads and Traffic	$12,865.77	$7,346,354.67
Plan Administration	$244.41	$139,558.11
Total	**$28,147.03**	**$16,071,954.13**

A copy of the *City Wide Contributions Plan 2020* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent for an increase in 571 lots. A credit of four (4) ETs has been credited in the calculation. In accordance with the provisions of the Contributions Plan, this amount to be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

7.15 All Services Provided Within Lots

A registered surveyor must provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone, and the like) are provided to each lot, and where services traverse the proposed allotments to be within appropriate easements to accommodate such services. The certification is to be provided to the *PCA,* prior to the issue of a *SC*.

7.16 Section 50 Certificate of Section 307 Certificate

Evidence must be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991* or *Section 307* of the *Water Management Act 2000* for the supply of water and sewer infrastructure for this development. Such evidence must be submitted to Council prior to the release of the final plan of survey for the subdivision and the *SC*.

7.17 Telecommunications

Prior to the issue of *SC* the developer must provide documentary evidence to the *CA* that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed- line telecommunications infrastructure in the fibre-ready facilities to all individual lots

7.18 Inspection and Payment of Fee Relating to Street Trees

Prior to the issue of an *SC*, Council will undertake an inspection of the street tree planting to ensure compliance with the approved Street Tree Planting Plan, for which a fee is payable in accordance with Council's adopted Fees and Charges.

8.0 ONGOING CONDITIONS

The following conditions are to be complied with as part of the ongoing use of the land the subject of this development consent:

8.1 Vegetation Management Plan

A monitoring report on the progress of the Vegetation Management Plan's implementation must be prepared and submitted to Council at six monthly intervals until the end of the maintenance period.

A final report must also be submitted upon completion of the maintenance period.