

DATE OF DETERMINATION	11 February 2026
DATE OF PANEL DECISION	10 February 2026
DATE OF PANEL MEETING	3 February 2026
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Stephen Leathley, Alan Tickle
APOLOGIES	Thomas O’Keefe
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 January 2026.

MATTER DETERMINED

PPSHCC-321 – Mid-Coast – DA2024/0680 - 55 Marie Avenue, Taree - Concept DA and Integrated DA - 207 Unit Seniors Housing Development and Stage 1 (Demolition of Structures and Construction of 19 independent living units) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has had the benefit of a briefing, with Council and the applicant.

The site is located on the edge of the urban area and is zoned for residential use. The Panel notes the site benefits from a previous development consent for residential subdivision.

The Panel was satisfied that the form and siting of the built form and the interfaces at the boundaries with adjoining properties and streetscape was appropriately considered. There is a gradual transition to existing levels and minimal retaining structures, the exception being along a driveway.

The dwellings are appropriately spaced, and at a single storey scale, are compatible with the surrounding development. The Panel notes there is a similar development to the east.

The Panel in their deliberation raised concerns regarding the proximity of the site to services and the transport options available.

The Panel requires further consideration of services on site and requires that consideration to be informed by a more detailed social impact assessment to inform the requirements for the Stage 3 Community Facility.

The Panel also requires a more detailed analysis of alternate and equitable transport options – based on residential needs – which will change over time. To this end, the Panel has required the preparation of a Transport Management Plan (TMP) – to be updated at each stage and reviewed every five (5) years for the life of the development.

The TMP is to be based on surveying residents’ needs and potentially include over time, an on-demand service for those residents.

The Panel has also been more prescriptive about where landscaping should be implemented and the details of each stage.

With these changes to conditions, the Panel considers that the development is an appropriate response to the site and will provide a much-needed housing product in the region.

The Panel recognises that residents need change and have provided a framework for transport and services to adapt to those changes – because of the site’s context and location.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to the conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The proposed development is an appropriate built form response to its context and the character of the area.
2. The site is suitable for the use.
3. The development will result in minimal impacts.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 1 - updated to include details of staging.
- Condition 11 - added for landscaping requirements - including details for interfaces with adjoining stages.
- Condition 12 - added for riparian corridor revegetation for Stage 2.
- Condition 14 - on-site detention for all stages required.
- Condition 15 - added to require a more detailed consideration of social impacts for each stage.
- Condition 16 - added to require a transport management plan for each stage.
- Condition 93 - added requiring ongoing implementation of the traffic management plan.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Stephen Leathley	 Alan Tickle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-321 – Mid-Coast – DA2024/0680
2	PROPOSED DEVELOPMENT	Concept DA and Integrated DA - 207 Unit Seniors Housing Development and Stage 1 (Demolition of Structures and Construction of 19 independent living units)
3	STREET ADDRESS	55 Marie Avenue, Taree
4	APPLICANT/OWNER	Gavin Maberly-Smith (on behalf of Tailored Planning Solutions Pty Ltd) Bushland Healthcare Group Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Act 1979 - Environmental Planning and Assessment Regulation 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Greater Taree Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Greater Taree Development Control Plan 2010 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 23 January 2026 - Written submissions during public exhibition: 0 - Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Initial Briefing: 21 January 2025 <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Thomas O'Keefe, Alan Tickle <u>Applicant representatives</u>: Errol Curran, Emma Pike, Natalie Kavanagh, George Wilson, Denis Hawkins, Gavin Maberly-Smith, Rebecca Plumsted, Joshua Moxey <u>Council assessment staff</u>: Craig Wilkinson, Bruce Moore, Bailey Dark <u>Department</u>: Leanne Harris, Holly McCann - Final briefing to discuss council's recommendation: 03 February 2026 <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Stephen Leathley, Alan Tickle

		○ <u>Applicant representatives:</u> Errol Curran, George Wilson, Emma Pike, Natalie Kavanagh, Gavin Maberly-Smith, Rebecca Plumsted ○ <u>Council assessment staff:</u> Craig Wilkinson, Tony Kazda, James Duval, Ryan Fenning ○ Department: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

CONDITIONS OF CONSENT

General Conditions (All Stages)

1. Concept Approval

The development is approved as a concept development including stage 1 works in accordance with Section 4.22 of the Environmental Planning and Assessment Act 1979. The concept proposal for 207 senior living dwellings and associated facilities and Stage 1 works are approved under this Notice of Determination. A separate development application/s is to be submitted to MidCoast Council for Stages 2-8.

Staging is to be in accordance with the approved staging plan as follows:

- Stage 1 – 19 independent living units, RV parking area, and bulk earthworks.
- Stage 2 – 31 independent living units, new road across riparian corridor and RV parking area.
- Stage 3 – 22 independent living units and community centre.
- Stage 4 – 25 independent living units.
- Stage 5 – 26 independent living units.
- Stage 6 – 24 independent living units.
- Stage 7 – 28 independent living units.
- Stage 8 – 32 independent living units.

Reason: To allow a staged approval in accordance with the relevant legislative requirements.

2. Approved plans and documents

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
Master Plan – New Works	AA1101 (Rev R)	ARCH DWP Design	23.05.2025
Master Plan – Existing & Demolition	AA1102 (Rev F)	ARCH DWP Design	23.05.2025
Site Zone 1 Plan	AA1104 (Rev F)	ARCH DWP Design	23.05.2025
Site Zone 2 Plan	AA1105 (Rev F)	ARCH DWP Design	23.05.2025
Site Zone 3 Plan	AA1106 (Rev F)	ARCH DWP Design	23.05.2025
Site Zone 4 Plan	AA1107 (Rev F)	ARCH DWP Design	23.05.2025
Staging Masterplan	AA1120 (Rev A)	ARCH DWP Design	10.10.2024
Stage 1 Plan – Part 1	AA1121 (Rev E)	ARCH DWP Design	23.05.2025
Stage 1 Plan – Part 2	AA1122 (Rev B)	ARCH DWP Design	23.05.2025
Tree Removal	AA9003 (Rev D)	ARCH DWP Design	07.08.2024
General Arrangement Plan – Type 1 – 2 Bed Mirrored	AA1210 (Rev G)	ARCH DWP Design	23.05.2025
Roof Plan – Type 1 – 2 Bed Mirrored – Skillion Alternate	AA1811 (Rev C)	ARCH DWP Design	07.08.2024

Roof Plan – Type 1 – 2 Bed Mirrored – Parapet	AA1813 (Rev F)	ARCH DWP Design	07.08.2024
Elevation – Type 1 – 2 Bed Mirrored – Skillion Alternate	AA2011 (Rev C)	ARCH DWP Design	07.08.2024
Elevation – Type 1 – 2 Bed Mirrored – Parapet	AA2013 (Rev F)	ARCH DWP Design	07.08.2024
Section – Type 1 – 2 Bed Mirrored – Skillion Alternate	AA3011 (Rev C)	ARCH DWP Design	07.08.2024
Section – Type 1 – 2 Bed Mirrored – Parapet	AA3013 (Rev F)	ARCH DWP Design	07.08.2024
General Arrangement Plan – Type 1 Hybrid – 2 Bed / 3 Bed	AA1218 (Rev G)	ARCH DWP Design	23.05.2025
Roof Plan – Type 1 Hybrid – 2 Bed / 3 Bed	AA1819 (Rev C)	ARCH DWP Design	07.08.2024
Elevation – Type 1 Hybrid – 2 Bed / 3 Bed	AA2019 (Rev C)	ARCH DWP Design	07.08.2024
Section – Type 1 Hybrid – 2 Bed / 3 Bed	AA3019 (Rev C)	ARCH DWP Design	07.08.2024
General Arrangement Plan – Type 3 – 2 Bed Mirrored	AA1234 (Rev G)	ARCH DWP Design	23.05.2025
Roof Plan – Type 3 – 2 Bed Mirrored - Gable	AA1836 (Rev F)	ARCH DWP Design	07.08.2024
Elevation – Type 3 – 2 Bed Mirrored - Gable	AA2036 (Rev F)	ARCH DWP Design	07.08.2024
Section – Type 3 – 2 Bed Mirrored - Gable	AA3036 (Rev F)	ARCH DWP Design	07.08.2024
General Arrangement Plan – Type 4 – 3 Bed	AA1258 (Rev G)	ARCH DWP Design	23.05.2025
Roof Plan – Type 4 – 3 Bed_Parapet	AA1861 (Rev F)	ARCH DWP Design	07.08.2024
Elevation – Type 4 – 3 Bed_Parapet	AA2061 (Rev F)	ARCH DWP Design	07.08.2024
Section – Type 4 – 3 Bed_Parapet	AA3061 (Rev F)	ARCH DWP Design	07.08.2024
Layout Plan	Sheet 2 of 19 (Rev G)	LSW Surveyors, Planners & Engineers	09.08.2024
Preliminary Drainage Design	Sheet 15 of 19 (Rev G)	LSW Surveyors, Planners & Engineers	09.08.2024
Proposed Slope Grading Plan	Sheet 17 of 19 (Rev G)	LSW Surveyors, Planners & Engineers	09.08.2024
Concept Cut and Fill Plan	Sheet 18 of 19 (Rev G)	LSW Surveyors, Planners & Engineers	09.08.2024
Civil Works Plan	250264-DA-310-01 (Rev B)	Groundswell Engineers	23.10.2025
Stormwater Strategy for Proposed Seniors Development 'Manning Rise'	7564 Seniors SW Strategy (Issue 4)	LSW Surveyors, Planners & Engineers	09.08.2024

on Lot 343 DP1118417 Marie Avenue, Taree			
Biodiversity Development Assessment Report	19249 (Rev 1)	Accuplan	08.08.2024
Waste Management Plan	-	Tailored Planning Solutions Pty Ltd	May 2025

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.

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

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

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

4. Notification of Home Building Act 1989 requirements

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

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

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

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

5. 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.

6. Construction of stormwater treatment measures (staged development)

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

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

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

Reason: To protect water quality

7. Independent Living Units in accordance with SEPP (Housing) 2021

All independent living units associated with the development shall be constructed to conform with all requirements of State Environmental Planning Policy (Housing) 2021 (as amended).

Reason: Statutory requirement.

8. Electricity substation

Any required electricity substation must:

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

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

9. Topsoil management

Upon completion of development works, stockpiled topsoil shall be re-spread over the site together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves.

Reason: Environmental amenity.

10. Section 138 for works within road reserve

Prior to any works, a Section 138 must be submitted to and approved by Council, for any works or occupation of the road reserve.

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

11. Landscaping requirements

For each stage, a landscape plan prepared by a qualified landscape architect or horticulturalist must be submitted to Council or Accredited Certifier. The Landscape Plan must include the following information:

- a) Demonstration of the predominant use of species that are local native plants
- b) Specification of the details of all proposed plantings on the land, including common and botanical names and potential height/ spread at maturity, planting densities and quantities
- c) A plan of the locations of all proposed planting
- d) Details of the integration for landscaping measures within adjoining future stages. Consideration must be given to what landscaping, and revegetation works in adjoining future stages can feasibly be undertaken as part of each stage.
- e) A plan of the locations of each tree that is present on the land that is to be retained
- f) A description of the location of all parking and storage areas and the type of material to be used for sealing these areas
- g) Details of earthworks including cut/ fill, mounding and retaining walls
- h) Details of planting procedure and maintenance, including watering, management of safety and risk, replacement of lost and damaged stock
- i) Details of the use of mulch and the type and quantity of soil material to be imported to the land.
- j) Details, Species etc. as per the approved street tree planting indicated on the Landscaping plan.

Reason: To ensure that adequate landscaping is established as part of the development for amenity and local habitat.

12. Riparian Revegetation

For stage 2, a landscape plan prepared by a qualified landscape architect or horticulturalist must be submitted to Council that outlines the revegetation works to the riparian corridor.

Revegetation works to the riparian corridor is to be undertaken as part of Stage 2.

Reason: To ensure that adequate landscaping is established to the riparian corridor for stage 2.

13. Implementation of the Biodiversity Management Plan

All relevant measures identified in the approved Biodiversity Management Plan must be complied with for each stage of the development.

Reason: To mitigate the biodiversity impacts of the development.

14. Engineering construction plans

Engineering construction plans and specifications must be prepared for each applicable stage for the works listed below.

Culverts required across drainage channels or streams	The culvert must be designed to ensure that peak flow rates for the 1% AEP storm event are not affected.
On-site stormwater detention	Stormwater must be discharged via an on-site stormwater detention system that is to be designed to ensure that peak flow rates for the 1% AEP storm event exiting the subdivision do not exceed that occurring in the pre-development state. The Design must be in accordance with The Institution of Engineers, Australian Rainfall and Runoff.

Stormwater outlets	An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised Weldlok construction.
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Reason: To ensure works are constructed to a suitable standard.

15. Social Impact Assessment

A Social Impact Assessment identifying the services to be provided in the community facility is to be prepared and lodged with Stage 2. The Social Impact Assessment (including a Social Infrastructure Audit) is to be undertaken in accordance with the Department of Planning and Housing Infrastructure – Social Impact Assessment Guidelines for State Significant Projects (July 2025). The outcomes are to be implemented in Stage 3 and ongoing stages.

Reason: To ensure ongoing amenity for occupants.

16. Transport Management Plan

A Transport Management Plan (TMP) must be submitted to Council with any Stage 2 Development Application. The TMP must include the following:

- a) A need assessments of transport options based on surveys of existing residents in other similar facilities and any existing residents.
- b) Analysis of existing public transport options available to the site.
- c) Analysis of community transport options and other paid services available for residents.
- d) Comparison of the usage of transport options by residents.
- e) Review of options to provide 'on demand' services to residents.
- f) Recommendations for 'on demand' services to be provided by the proponent where appropriate.

The recommendations of the TMP are to be implemented. At each stage, the transport needs and TMP is to be reviewed including the need for on-demand services. An updated TMP is to be submitted with each stage.

Reason: To ensure appropriate access to services is available for occupants.

BEFORE DEMOLITION (STAGE 1)

17. Bond required to guarantee against damage to public land

Prior to the commencement of any demolition work, a Damage Bond Application form together with payment of a bond and an administration fee in accordance with Council's current adopted fees and charges must be submitted to Council.

Reason: Protection of public assets

18. Hazardous Building Material Survey

Prior to the commencement of any demolition work of the existing house and sheds on the site, a demolition plan will be required which must include notes and a report for handling of possible hazardous building products (e.g. asbestos) being part of the existing structures.

A Hazardous Material Survey of the structures must be completed by a suitably qualified and experienced person, who holds a NSW SafeWork Asbestos Assessor Licence. A Hazardous Building Materials Survey report must be provided to Council and must report on the location, condition and recommended treatment of all hazardous material.

Reason: To ensure contractor and public safety and protect public assets and ensure legal disposal of Hazardous material during the construction of the development.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE (STAGE 1)

19. Independent Living Units in accordance with SEPP (Housing) 2021

Prior to the issue of a construction certificate, details of how each independent living unit complies with the requirements of State Environmental Planning Policy (Housing) 2021 shall be submitted to the certifying authority.

Reason: Statutory requirement.

20. S7.11 Development Contributions

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

<i>Taree - Cundletown</i>	
FACILITIES	CONTRIBUTION
Local facilities	\$11,701.44
Greater Taree area facilities	\$53,532.90
Total	\$65,234.34

Contribution rates are subject to indexation.

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

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

21. Geotechnical report - engineering works

Prior to the issue of a Construction Certificate, a certificate from a professional geotechnical engineer must be submitted to the certifying authority, certifying that:

- 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;
- the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- Adequate drainage has been provided with appropriate considerations given to groundwater constraints.

Reason: To ensure site stability and public safety.

22. 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 the certifying authority, adequate provision must be made for drainage in the design of the structures. Such design drawings are to be prepared by a suitably qualified Structural Engineer in accordance with the requirements of AS 4678-2002 Earth Retaining Structures. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loadings from vehicles or structural improvements within the subject and/or adjoining property.

All filling and testing is to be carried out in accordance with the current edition of AS 3798-2007- Guidelines on Earthworks for Commercial & Residential Developments under the supervision of a suitably qualified and practicing Geotechnical Engineer.

Reason: To ensure site stability and safety.

23. 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.

24. Works within the road reserve

Prior to the issue of a Construction Certificate, an application for a Public Engineering Works Permit (PEWP) under s138 of Roads Act must be submitted to and approved by Council for the road reserve works listed in the table below.

Work	Standard to be provided
Footpath for the full frontage of the site	2.0m wide concrete footpath to enable connection to existing footpaths and access to the Bus Stop in Wingham Rd, in accordance with Council Standard Drawing No. SD0103.
Grading, trimming, topsoiling and turfing of the unpaved footpath area	The surface levels are to be finished flush with adjacent road or kerb levels.
Removal of the disused driveway and vehicular crossing at the northern end of Marie Ave for the proposed RV parking and Waste removal yard.	Construct a Minimum 5.5m wide pavement crossover, to the new Cul-de-Sac head pavement including any necessary relocation of services. A swept path analysis to be provided.
Kerb and gutter, road pavement and associated drainage construction, footpath formation across the full frontage of the site	Provision of concrete kerb and gutter and extension of the existing road pavement to the

	new kerb and gutter to Council's Adopted Engineering Standard.
Under-grounding of electricity mains along the frontage of the development site	The low voltage overhead power lines, street light overhead power lines and telecommunication cables located along/adjacent to the site frontage in # Street must be relocated underground at no cost to Council and to the satisfaction of the relevant service authority. Arrangements for the wires/cables to be relocated must be made directly with the relevant service utility authorities. Written evidence must be provided to the principal certifying authority stating that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply to the development.
Street Lighting along the frontage of the development site	Street lighting must be provided to the requirements of the energy supply authority and Australian Standard AS/NZS 1158: Lighting for Roads and public spaces

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

25. Driveway application

Prior to the issue of a Construction Certificate, a Driveway Application must be submitted to and approved by Council for *any new or existing vehicle crossing/s that does not comply to current council standards*, and removal of any redundant vehicular crossing.

Driveway/s must be designed in accordance with council's driveway guidelines and specifications.

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

26. Traffic management plan

Prior to the issue of a Construction Certificate, a traffic management plan must be submitted to and approved by the relevant Road Authority for works proposed within public road reserve. 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'.
- c) The National Heavy Vehicle Regulator (NHVR).

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

27. Internal vehicular access

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

The plan must include the following:

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

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

28. Vehicle wash bay

Prior to issue of the construction certificate, plans and specifications for the design of any proposed wash bay shall be submitted to Council for approval.

The vehicle wash bay shall be suitably designed to prevent the ingress of stormwater. All water used in the vehicle wash bay must drain to MidCoast Council's sewer following treatment in an oil plate separator or other system as approved by MidCoast Council.

Reason: To protect the environment.

29. Stormwater Drainage Report

Prior to the issue of a Construction Certificate, a Stormwater Drainage Report prepared by a suitably qualified and practicing engineer must be approved by Certifying Authority.

The report must determine the 1% AEP stormwater flow and width through the property, considering the upstream catchment that drains through the natural watercourse on the proposed lots. The building envelope must be located outside the flow width and resultant stormwater drainage easement.

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

30. 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 MidCoast Council, this system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage.

The stormwater disposal system discharging to the kerb and gutter must be via a suitably manufactured kerb adaptor. The engineering plans must include connection to the kerb via a suitable kerb adaptor and the pipeline located within the road reserve to be sewer grade or hot dipped galvanised rectangular hollow section.

On-site stormwater detention must be designed to restrict stormwater discharge to the pre-development runoff rate for all storms up to and including a 1% AEP 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.

All on-site stormwater detention equipment is to be suitably located in common property.

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.

31. Stormwater Treatment Systems

Prior to the issue of any construction certificate submit to Mid Coast Council final engineering plans and maintenance plan for the stormwater management system, prepared by a suitably qualified professional engineer who is a corporate member of the Institution of Engineers Australia. Plans and specifications for the stormwater treatment system shall be in accordance with:

- The approved Stormwater Strategy and Drainage Plans.
- Water Sensitive Urban Design - Technical design Guidelines for South East Queensland. Healthy Waterways Partnership (current version).
- Bioretention Technical Design Guidelines, Water by Design, Healthy Waterways Initiative (current version).

In addition, the engineering plans must detail:

- Size and dimensions of each component of the treatment system (inlet pits, outlet pits, pre-treatment, lining and batter slopes) including calculations for forebay sizing.
- A planting plan certified by a suitably qualified horticulturist (or equivalent) showing the planting schedule and species selection for the bioretention (and batter slopes) in accordance with MidCoast Council's fact sheet 'Raingarden plants' (current version), planted at densities indicated in the fact sheet.
- Filter media consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, CRC for Water Sensitive Cities (Monash University, Version, current version).
- Maximum batter/side slope no steeper than 1:6 (v:h), unless otherwise retained by a structural wall and landscaping. No greater than 20% of the filter media area is to be within shade for less than 3 hours a day. Any structural walls are to be no higher than 1m.
- Construction staging and measures to avoid damage to the stormwater treatment system/s during construction.
- Adequate access for maintenance purposes with a maximum slope no greater than 1:4 (v:h), to meet specifications in SD 0101 (commercial driveway) and with a minimum width of 2m.
- Bioretention must include protection to prevent damage / access from vehicles to the satisfaction of MidCoast Council.

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.

32. BASIX Certificate

Prior to the issue of a construction certificate, plans and specifications detailing all of the BASIX Certificate commitments must be submitted to and approved by an appropriately registered certifier. The proposed development must be constructed in accordance with the requirements of the relevant BASIX Certificate. Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate will be required.

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

33. Preparation of a final landscape plan

Prior to the issue of a Construction Certificate, a final landscape plan prepared by a qualified landscape architect or horticulturalist must be submitted to and approved by the certifying authority. The Final Landscape Plan must include the following information:

- a) Demonstration of the predominant use of species that are local native plants
- b) Specification of the details of all proposed plantings on the land, including common and botanical names and potential height/ spread at maturity, planting densities and quantities
- c) A plan of the locations of all proposed planting
- d) A plan of the locations of each tree that is present on the land that is to be retained
- e) A description of the location of all parking and storage areas and the type of material to be used for sealing these areas
- f) Details of earthworks including cut/ fill, mounding and retaining walls
- g) Details of planting procedure and maintenance, including watering, management of safety and risk, replacement of lost and damaged stock
- h) Details of the use of mulch and the type and quantity of soil material to be imported to the land.
- i) Details, Species etc. as per the approved street tree planting indicated on the Landscaping plan.

Reason: To ensure that adequate landscaping is established as part of the development for amenity and local habitat.

34. Bond required to guarantee against damage to public land

Prior to the issue of a Construction Certificate, a Damage Bond Application together with payment of a bond in the amount of 1% of the value of the works associated with the proposed Stage works and an administration fee in accordance with Council's current adopted fees and charges must be submitted to Council.

Reason: Protection of public assets.

35. Construction management plan

Prior to the issue of a Construction Certificate, a construction management plan must be submitted to and approved by Council.

The construction management plan must include:

- a) a traffic control plan designed in accordance with the requirements of the Roads and Maritime Services, Traffic Control at Work Sites Version 2 and Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads' prepared by an accredited person trained in the use of the current version of RMS Traffic Control at Work Sites manual.
- b) a traffic management plan
- c) provision for pedestrian movement and safety
- d) details of loading and unloading areas;
- e) details of parking for tradesman's vehicles

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

36. Temporary Turning Heads

Temporary sealed turning heads are to be provided for all dead-end roads in each stage.

Reason: To enable vehicle manoeuvrability.

37. 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.

38. 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.

39. Retirement of Biodiversity credits

Prior to the issue of the first Construction Certificate the class and number of ecosystem and species credits identified in the following table must be retired to offset the residual biodiversity impacts associated with the development as detailed in the table below:

Impacted plant community type ^a	Number of ecosystem credits ^a	IBRA sub-region ^a	Plant Community Type(s) that can be used to offset the impacts from development ^a
3329—Northern Hinterland Valleys Red Gum Grassy Forest ^a	17 ^a	Macleay Hastings, Karuah Manning, Mummel Escarpment and Upper Hunter ^a or ^a Any IBRA subregion that is within 100km of the outer edge of the impacted site ^a	Coastal Valley Grassy Woodlands (including PCTs: 618 1603 1604 1691 3312 3314 3315 3318 3319 3320 3323 3325 3327 3328 3329 3330 3332 4052) ^a

Impacted species credit species ^a	Number of species credits ^a	IBRA sub-region ^a	Like-for-like options ^a
<i>Myotis macropus</i> (Southern Myotis) ^a	11 ^a	Any in NSW ^a	<i>Myotis macropus</i> (Southern Myotis) ^a

The registered proprietor must firstly seek to retire the above credits from the local area (50km radius of the property). If this cannot be achieved, the requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Conservation Trust. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to the issue of the first Construction Certificate.

Reason: To satisfy the Biodiversity Offset Scheme requirements of the Biodiversity Conservation Act.

40. Preparation of the Biodiversity Management Plan

A Biodiversity Management Plan (BMP) prepared by a suitably qualified ecologist must be submitted to Council for approval prior to the issue of the first Construction Certificate. The BMP must identify all measures proposed in the Biodiversity Development Assessment Report (Accuplan, August 2024) to manage the ecological impacts of the development, protect vegetation to be retained on site, and offset the loss of vegetation through the establishment of a vegetated riparian zone, including performance measures and the timing and responsibility for each action.

Reason: To mitigate the biodiversity impacts of the development.

41. Waste management plan

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

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

BEFORE BUILDING WORK COMMENCES (STAGE 1)

42. Construction certificate required

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

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

43. Notification of commencement and appointment of principal certifier

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

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

44. Biodiversity Offset Requirements

Prior to the commencement of any building work (including excavation and vegetation removal), evidence of compliance with biodiversity offset requirements as required by this consent shall be submitted to council.

Reason: To ensure that the Biodiversity Offset Scheme requirements of the Biodiversity Conservation Act are satisfied.

45. Site access

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

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

46. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

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

47. Toilet facilities

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.

Reason: To maintain public health.

48. Site construction sign

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

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

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

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

49. Removal of Waste

All waste material, including waste identified in the Stage 2 Site Contamination Assessment, titled 'DWP Stage 2 Site Contamination Assessment Bushland Health 494 Wingham Road, Taree' prepared by Regional Geotechnical Solutions, dated 30 August 2024, Report No. RGS02310.1-AE_Rev 1 must be removed from the site and disposed of at a licensed waste facility. Waste facility receipts must be kept and provided to Council on request.

Reason: To protect the environment and public health

50. Removal of material

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

Reason: To protect the environment

51. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

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

DURING ANY BUILDING WORK (STAGE 1)

52. 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.

53. Comply with construction management plan

All measures contained within the approved construction management plan must be implemented and maintained for the duration of the development works.

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

54. Compliance with waste management plan

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

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

55. 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.

56. Construction dust suppression

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

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

Reason: To maintain amenity during construction of the development.

57. Maintenance of sediment and erosion control measures

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

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

58. 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

59. 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.

60. 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.

61. New Information/Unexpected Finds

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

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

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

Reason: To maintain amenity and protect the environment.

62. Vegetation clearing approval

Vegetation clearing is to be restricted to the vegetation impacts identified on Figure 5.1: 'Proposal plan showing proposed impacts to vegetation including proposed management zones and impacted trees' contained within the Biodiversity Development Assessment Report prepared by Accuplan and dated August 2024. All other vegetation in the vicinity of the development footprint is to be retained and protected during the construction and operation of the development.

Reason: To minimise the loss of native vegetation from the land.

63. Wildlife Protection

A pre-clearing survey is to be undertaken by a suitably qualified ecologist immediately prior to tree clearing operations to ensure the trees to be removed are not being utilised by any native fauna prior to clearing. If a koala is detected in any of the trees to be removed, or during construction, all works must cease within 100m of the tree and the koala permitted to vacate the area of its own accord. Any injured fauna should be forwarded to a qualified wildlife carer. The ecologist is to provide a report to Council within one week of the tree clearing operations detailing compliance with the tree clearing conditions and the outcomes of the pre-clearing survey.

Reason: To minimise the impact of tree clearing on local wildlife.

64. Vegetation removal procedure

Only vegetation that is marked for removal in accordance with the conditions of this consent shall be cleared from the land. All other vegetation adjoining the works area shall be protected and managed in accordance with industry standard AS4970 2009 Protection of Trees on Development Sites. During the physical removal of the approved vegetation, the following procedure is to be applied:

- a) A suitably qualified ecologist is to identify and mark the trees to be retained within the Asset Protection Zone with preference to be given to the retention of koala habitat trees and trees with potential hollows.
- b) Tree removal is to be conducted by a licensed and qualified arborist or tree removal contractor.
- c) 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.
- d) 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.
- e) Tree removal is to be conducted by selective directional felling away from areas of vegetation to be retained. Any ground timber within the development footprint is to be retained and redistributed on site. All weed-free vegetative waste is to be mulched and used on site to assist in the stabilisation of the ground surface.

Reason: To protect significant trees and minimise the impacts of the development on native fauna.

65. Removal of material

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

Reason: To protect the environment

66. Compliance with hazardous material survey

During demolition of structures on the site, all requirements and recommendations of the Hazardous Material Survey must be complied with.

Reason: To ensure public health and safety

67. Inspection of stormwater treatment measures

Engage a suitably qualified professional engineer to inspect the stormwater treatment during construction.

During construction, verify compliance with the approved plans using the sign off forms for Bioretention in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (current version) using the following sheets:

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 E (Bioretention) - Coarse Sediment Forebay
- f) Form F (Bioretention) - Protective Measures
- g) Form G (Bioretention) - Landscape Installation

During construction, confirm that the stormwater treatment systems have been constructed to plan by submitting the following information to the certifying authority:

- signed inspection sheets
- photographs
- NATA test results for the filter media
- Results of in-situ infiltration testing consistent with methods outlined in Adoption Guidelines for Stormwater Biofiltration Systems Appendix C (CRC for Water Sensitive Cities, Monash University, current version) demonstrating 150-200mm infiltration rate.
- Works as executed drawings

Council inspection required on completion of under-drainage and lining.

Reason: To protect water quality.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE (STAGE 1)

68. 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.

69. Independent Living Units in accordance with SEPP (Housing) 2021

Prior to the issue of an occupation certificate, evidence of the compliance of each independent living unit with the requirements of State Environmental Planning Policy (Housing) 2021 shall be submitted to the certifying authority.

Reason: Statutory requirement.

70. Implementation of the Landscape Plan

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

Reason: To appropriately conduct landscaping on the subject land.

71. Stabilisation of site surface

Prior to the issue of any Occupation Certificate, the site shall be landscaped with all disturbed ground being stabilised to prevent erosion to the satisfaction of the Principal Certifying Authority.

Reason: To prevent erosion and impacts on adjoining sites.

72. Underground electricity

Prior to the issue of any Occupation Certificate, the low voltage overhead power lines, street lighting power lines and telecommunication cables located along/adjacent to the site frontage in Marie Ave must be relocated underground at no cost to Council and to the satisfaction of the relevant service authority.

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

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

Reason: To improve the amenity of the area.

73. Completion of car parking areas and provision of signs

Prior to the issue of any 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.

74. Driveway in accordance with approved Driveways Application

Prior to the issue of any 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.

75. Stormwater drainage work

Prior to the issue of any Occupation Certificate, stormwater must be collected and disposed of to Council approved legal point of discharge. 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.

76. Inspections of engineering work

Prior to the issue of any Occupation Certificate, a Certificate of Practical Completion from MidCoast Council, stating that all works identified in the Section 138 Roads Act approval (Public Engineering Works Permit) have been satisfactorily completed, must be submitted to the certifying authority.

Reason: To ensure the provision of required civil infrastructure.

77. Property access roads

Prior to the issue of any final Occupation Certificate, property access roads must comply with 'Planning for Bush Fire Protection 2019'.

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

78. Section 88B Instrument

Prior to the issue of a Final 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
Easement of electricity	The creation of any necessary easements for electricity purpose and required by the electricity supply authority.
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.
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.
Seniors Housing Only	'Restriction on the Use of Land' requiring all occupants of independent living units to be for

	persons as prescribed under Section 88 of State Environmental Planning Policy (Housing) 2021.
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Reason: To ensure the proper management of land.

79. Defects liability bond for civil works

Prior to the issue of an Occupation Certificate, a maintenance/defects liability bond equivalent to 5% of the cost of construction of civil works, must be paid to Council. The bond is to cover any defects to civil works arising within 24 months from issue of the Occupation Certificate.

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

80. Completion of works

Prior to the issue of an Occupation Certificate for each stage, all works approved under the Construction Certificate must be completed. Evidence of practical completion must be provided to certifying authority.

Reason: To ensure civil works are appropriately constructed.

81. Works-as-executed plans

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

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

82. Location of services

Prior to the issue of an Occupation Certificate for each stage, a certificate from a registered surveyor must be submitted to the certifying authority certifying that all public infrastructure pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

Reason: To ensure services are located within easements.

83. Utility supply certificate

Prior to the issue of an Occupation Certificate for each stage, the provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot/site:

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

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

84. BASIX Compliance

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

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

85. Water and Sewerage Certificate of Attainment

Prior to the issue of a final occupation certificate, a Certificate of Attainment from MidCoast Council Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to an appropriately registered certifier.

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

86. Implementation of the Biodiversity Management Plan

All relevant measures identified in the approved Biodiversity Management Plan must be implemented to the satisfaction of Council prior to the release of any Occupation Certificate for the development.

Reason: To mitigate the biodiversity impacts of the development.

87. Fauna friendly fencing

The boundary fence along the northern boundary of the site adjoining the Asset Protection Zone must be constructed in a form that facilitates the safe movement of fauna and incorporate the following design elements:

- a) bottom of the fence to be a minimum of 300mm above ground level to allow fauna to move underneath; or
- b) open post and rail or post and wire (no barbed wire).

Reason: To facilitate safe access by fauna to vegetation to be retained on site.

BEFORE OCCUPATION AND ONGOING USE (ALL STAGES)

88. Vehicular Access from Wingham Road Prohibited

All vehicle access to and from the lot must be undertaken from Marie Avenue. Vehicle access must not be undertaken from Wingham Road.

Reason: To ensure safe vehicular access to the development.

89. Unobstructed Pedestrian Sight Triangles

Pedestrian sight triangles or alternate solution must remain unobstructed and provide clear lines of sight in perpetuity.

Reason: To ensure pedestrian safety.

90. Storage of waste

All waste generated on the premises shall be stored in a manner so that it does not pollute the

environment.

Reason: To protect the environment.

91. Maintenance of Driveway Access Gate

Driveway access gates must be maintained to function as designed not open outwards onto the footpath.

Reason: To ensure development infrastructure remains as designed and within the lot.

92. Maintenance and monitoring of stormwater treatment measures

Maintain the Bioretention/s 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/s including details of maintenance activities that have taken place in accordance with the approved Water Sensitive Design Maintenance Plan.

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

93. Transport Management Plan

All recommendation and actions of the TMP must be implemented at all times for the development. The TMP shall be reviewed every five (5) years and any new recommendations shall be implemented.

The TMP shall be forwarded to Council within 14 days of the completion of review.

Reason: To ensure appropriate access to services is available for occupants.

AGENCY CONDITIONS

94. Department of Planning and Environment – Water requirements

Compliance with the following General Terms of Approval issued by the Department of Planning and Environment – Water dated 19 November 2024 reference IDAS-2024-10696.

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

TC-G001 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.

TC-G004 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2025/0402 provided by Council to Department of Planning and Environment-Water.

- B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

TC-G005

- A. The application for a controlled activity approval must include the following plan(s):
- Site plans - with demarcation of waterfront land and designated riparian corridors, including any encroachments
 - and offsets in accordance with the Department's guidelines
 - Detailed civil construction plans
 - Construction watercourse crossing design plans
 - Erosion and sediment control plans
 - Construction detailed drainage plans
 - Construction stormwater drainage outlet plan - including outlets from the basins, ensuring they have adequate scour protection and be facing downstream in accordance with the Department's guidelines
 - Vegetation management plan
 - Riparian offset plan - for the APZ encroachment into the riparian corridor
 - Construction detailed basin design plans
 - Itemised VMP Costings
 - Construction detailed bulk earthworks plans
- B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water 's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

TC-G006

- A. A security deposit must be provided, if required by Department of Planning and Environment-Water.
- B. The deposit must be:
- a bank guarantee, cash deposit or equivalent, and
 - equal to the amount required by Department of Planning and Environment-Water for that controlled activity approval.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10696 as provided by Council:

- Statement of Environmental Effects, prepared by Coastplan Group, dated August 2024
- Preliminary Road and Drainage works plans, prepared by LSW Surveyors, dated 09/08/24
- Preliminary Architectural Drawings, prepared by Dwp Design, dated 06/08/24
- Stormwater Strategy, prepared by LSW Surveyors, dated 09 August 2024

Reason: To ensure work is carried out in accordance with the General Terms of Approval and other statutory requirements.

95. NSW Rural Fire Service requirements- Section 100B

The development must be carried out in compliance with the following conditions detailed in the Bush Fire Safety Authority, reference No. DA20240930004026-S38-1, dated 20 December 2024.

General

1. Development must be carried out in accordance with the following plans, except where the General Terms of Approval expressly require otherwise:

- The plan titled 'MASTERPLAN - NEW WORKS', prepared by ARCH DWP Design, Project No 19-0134, Dwg No AA1101, Revision P, sheet 1 of 38, dated 07/08/2024.

In the event of any inconsistency between the plans and the documents, the plans prevail. In the event of any inconsistency between the plans and a condition of this consent, the condition prevails.

Asset Protection Zones

2. Before construction activities are undertaken on the site, the Principal Certifier must be satisfied that:

- a. An asset protection zone (APZ) has been established in accordance with the plan titled 'Figure 4.1 - Asset Protection Zones', prepared by Australian Bushfire Assessment Consultants, Project No 19249, Revision Final, sheet 12 of 22, dated August 2024; and
- b. The APZ must be established as an inner protection area (IPA) in accordance with section A4.1.1 of Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW RFS's Standards for asset protection zones.

3. During occupation and ongoing use, the asset protection zone (APZ) must be maintained as an inner protection area (IPA) in accordance with section A4.1.1 of Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW RFS's Standards for asset protection zones at all times.

4. A vegetation management plan (VMP) is to be established for the vegetated riparian zone (VRZ) located within the boundaries of the site in accordance with the letter addressed to Mid-Coast Council, provided by Australian Bushfire Assessment Consultants, Ref No 19249, dated 6 December 2024.

Construction Standards

5. Before the issue of an occupation certificate, the development must comply with the Bushfire Attack Level (BAL) plan titled 'Figure 4.2 - Bushfire Attack Level Map', prepared by Australian Bushfire Assessment Consultants, Project No 19249, Revision Final, sheet 12 of 22, dated August 2024, including applicable measures contained in section 7.5 of *Planning for Bush Fire Protection 2019* and:

- Sections 3 and 5 (BAL-12.5) as prescribed by Australian Standard AS3959-2018: Construction of buildings in bush fire-prone areas; or
- Relevant requirements of the NASH Standard for Steel Framed Construction in Bushfire Areas 2021 (NS300) (incorporating amendment A),

to the satisfaction of the Principal Certifier.

Access - Internal Roads

6. Before issue an occupation certificate, complete the construction of all public roads in accordance with the following requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*, and provide written confirmation from a suitably qualified Civil Engineer confirming compliance with this condition to the Principal Certifier:

- a. Are two-way sealed roads;
- b. Minimum 5.5m carriageway width kerb to kerb;

- c. Parking is provided outside of the carriageway width;
- d. Hydrants are located clear of parking areas;
- e. Are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- f. Curves of roads have a minimum inner radius of 6m;
- g. Suitable turning areas are provided in accordance with Appendix 3 of *Planning for Bush Fire Protection 2019*;
- h. The road crossfall does not exceed 3 degrees; and
- i. A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Note: No works can be undertaken within the public road reserve without the prior written approval from Council.

Water and Utility Services

7. Before the issue of an occupation certificate, the Principal Certifier must be satisfied that the provision of water, electricity and gas required as a result of the development has been completed in accordance with the following requirements of Table 6.8c of *Planning for Bush Fire Protection 2019*:

- a. Reticulated water is to be provided to the development;
- b. Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2021;
- c. Hydrants are not located within any road carriageway;
- d. Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- e. Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- f. All above-ground water service pipes external to the dwelling are metal, including and up to any taps;
- g. Where practicable, electrical transmission lines are underground;
- h. Where overhead, electrical transmission lines are proposed as follows:
- i. Lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
- j. 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.
- k. 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;
- l. All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- m. Connections to and from gas cylinders are metal; Polymer-sheathed flexible gas supply lines are not used;
- n. Polymer-sheathed flexible gas supply lines are not used; and
- o. Above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

8. Before the issue of an occupation certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*, and a copy provided to the Local Emergency Management Committee for its information. The plan must include the following:

- a. The Bush Fire Emergency Management and Evacuation Plan must consider a mechanism for the early relocation of occupants on days when adverse fire weather is notified or adverse fire activity occurs in the local government area in which the development operates;
- b. A copy of the Bush Fire Emergency Management and Evacuation Plan shall be provided to the Local Emergency Management Committee for its information prior to occupation of the

- development; and
- c. Procedures for coordinated evacuation of the site in consultation with local emergency services.

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

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