



DATE OF DETERMINATION	12 December 2025
DATE OF PANEL DECISION	12 December 2025
DATE OF PANEL MEETING	8 December 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Giacomo Arnott
APOLOGIES	None
DECLARATIONS OF INTEREST	Leah Anderson - Has previously attended on-site meetings with the proponents and the community.

Public meeting held by teleconference on 8 December 2025, opened at 2:30pm and closed at 3:17pm. Papers circulated electronically on 1 December 2025.

MATTER DETERMINED

PPSHCC-334 – Port Stephens –DA – 16 -2024 -542 - 1 at 4 Fleet Street, Salamander Bay 2317 – Multi-Dwelling Housing (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 number of briefings from the applicant and Council.

This application involves the change of use and infill development on a site that has historically been used for tourist accommodation, for the purpose of multi-dwelling housing. The development includes communal facilities and community title subdivision.

The application attracted a significant amount of submissions through the two (2) notification periods.

Over the course of the assessment period, the application was amended to respond to a number of the issues raised. These amendments included:

- i) Construction access being restricted from Fleet Street connecting to Ridgeview Drive. No construction access is proposed via existing fire trails or Asset Protection Zone (APZ).
- ii) No use of APZ.
- iii) Reduction in number of townhouses by two (2) and increased landscape area.

The Panel, in their deliberation, sought further plans showing boundary fencing and additional sections through TH3 & 4 and TH28, to understand the built form relationship to boundaries and adjoining properties. The Panel has considered these plans. The Panel has also considered a further written submission that was intended to be presented at the public meeting.

The plans show a black palisade fence along the western boundary and the retention of the Colourbond fence along the common boundary with 2 Fleet Street.

The Panel considers that construction access should be restricted to Fleet Street connecting to Ridgeview Drive. Fire trails will not be used for construction access.

Additional conditions are proposed to address the following:

- Dilapidation survey of 2A Fleet Street.
- Landscape screen to Fleet Street.
- Limitation of use of Lot 2 (noting that Lot 2 is to be consolidated into the site).
- Specific requirements for waste management.

The Panel considers, that with these conditions, the proposal is acceptable.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) to the Height of Buildings standard of the Port Stephens Local Environmental Plan 2013 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 Height of Buildings standard is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the following reasons:

- i) The proposed development will provide additional housing choice.
- ii) The impacts arising from the development are reasonable and can be adequately mitigated.
- iii) The built form and scale relationship is compatible with character of the surrounding development.

CONDITIONS

The Development Application was approved subject to the conditions at Schedule 2. The conditions were amended from the Council Assessment Report in the following ways:

- Condition 1 – Amended to reference the updated plans provided by the applicant.
- Condition 10 – An error in the contributions calculation corrected. There was 1 additional dwelling levied in Stage 5B.
- Condition 17 – Amended to require the Cabbage Tree Palms in the front setback to be replaced with more appropriate street planting.
- Condition 31 – Amended to specifically state that a dilapidation report is to be undertaken for buildings/structures on 2 and 2A Fleet St.
- Condition 99(a) – Amended to specify that the Community Waste Management Plan must include arrangements for a private contractor to manage internal collection and return of bins within the site.
- Condition 99(b) – Amended to specify that ground disturbance is not to occur within the APZ area and that recreation must be limited to existing fire trails / walking trails on Lot 2 DP 791551.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that the application had been amended from that originally exhibited, in that it changed construction access and limited use of the Asset Protection Zone.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS

 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Giacomo Arnott

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSHCC-334 – Port Stephens –DA – 16 -2024 -542 - 1
2	PROPOSED DEVELOPMENT	Multi-Dwelling Housing
3	STREET ADDRESS	4 Fleet Street, Salamander Bay 2317
4	APPLICANT/OWNER	Perception Planning Pty Ltd Wanda Beach Estate Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy ○ Port Stephens Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Port Stephens Development Control Plan 2014 • 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	<ul style="list-style-type: none"> • Council Assessment Report: 1 December 2025 • List any clause 4.6 variation requests here: Yes – Clause 4.3 of the Port Stephens Local Environmental Plan 2013. • Written submissions during public exhibition: 68 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Brian Watson Will ○ Lisa Edwards • On behalf of the applicant – Matt Brown, Stephen Lambourne, Neil Slater, Thomas van Koeverden, Chris Piper, Natalie Black, Barney Collins, Harrison Dreher, Kaaren Sutton • Total number of unique submissions received by way of objection: 51
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Initial Briefing: 14 January 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Giacomo Arnott ○ <u>Council assessment staff</u>: Courtney Sargent, Emily Allen ○ <u>Applicant representatives</u>: Erin Daniel, Barney Collins, Georgie Collins, Stephen Lambourne, Neil Slater ○ <u>Department</u>: Leanne Harris, Holly McCann

		<ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> ○ <u>Panel members:</u> <ul style="list-style-type: none"> – Alison McCabe: 8 November 2025 – Roberta Ryan: 12 April 2025 – Tony McNamara: 22 January 2025 – Giacomo Arnott: 5 September 2025 • Council Briefing: 30 September 2025 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Giacomo Arnott ○ <u>Council assessment staff:</u> Courtney Sargent, Mat Egan ○ <u>Department:</u> Holly McCann • Final briefing to discuss council's recommendation: 8 December 2025 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Giacomo Arnott ○ <u>Council assessment staff:</u> Courtney Sargent, Mat Egan • <u>Applicant representatives:</u> Matt Brown, Stephen Lambourne, Neil Slater, Thomas van Koeverden, Chris Piper, Natalie Black, Barney Collins, Harrison Dreher, Kaaren Sutton <ul style="list-style-type: none"> ○ <u>Department:</u> Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

General Conditions

(1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this consent development consent:

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A001 Project no. 14076	V	Master Plan	EJE Architecture	13/11/2025
A002 Project no. 14076	Q	Site Analysis Plan	EJE Architecture	13/11/2025
A002.5 Project no. 14076	D	Development Plan	EJE Architecture	13/11/2025
A003 Project no. 14076	V	Site Plan 1 – Proposed Townhouses	EJE Architecture	9/12/2025
A004 Project no. 14076	V	Site Plan 2 – Proposed Cabins / Garages	EJE Architecture	13/11/2025
A005 Project no. 14076	J	Site Plan – FFL's	EJE Architecture	13/11/2025
A006 Project no. 14076	K	Site Plan – Existing Fire Trail	EJE Architecture	13/11/2025
A008 Project no. 14076	M	Site Elevations	EJE Architecture	13/11/2025
A008.1-A008.2 Project no. 14076	A	Site Cross Sections 1 and 2	EJE Architecture	13/11/2025
A010 Project no. 14076	M	Demolition Site Plan	EJE Architecture	13/11/2025
A011 Project no. 14076	O	Type 1A – Floor & Roof Plans	EJE Architecture	13/11/2025
A012 – A013 Project no. 14076	N	Type 1A – Elevations, Sections	EJE Architecture	13/11/2025
A014 – A015 Project no. 14076	N	Type 1B – Floor Plans and Roof Plans	EJE Architecture	13/11/2025
A016 – A017 Project no. 14076	M	Type 1B – Elevations and Sections	EJE Architecture	13/11/2025
A018 Project no. 14076	J	Type 1C – Floor & Roof Plans	EJE Architecture	13/11/2025

A019 – A020 Project no. 14076	I	Type 1C – Elevations, Sections	EJE Architecture	13/11/2025
A021 Project no. 14076	K	Type 1D – Floor & Roof Plans	EJE Architecture	13/11/2025
A022 – A023 Project no. 14076	J	Type 1D – Elevations, Sections	EJE Architecture	13/11/2025
A024 Project no. 14076	J	Type 1E – Floor & Roof Plans	EJE Architecture	13/11/2025
A025 – A026 Project no. 14076	I	Type 1E – Elevations, Sections	EJE Architecture	13/11/2025
A027 Project no. 14076	J	Type 1F – Floor & Roof Plans	EJE Architecture	13/11/2025
A028 – A029 Project no. 14076	I	Type 1F – Elevations, Sections	EJE Architecture	13/11/2025
A030 – A031 Project no. 14076	N	Type 2A – Floor Plans, Roof Plans	EJE Architecture	13/11/2025
A032 – A033 Project no. 14076	M	Type 2A – Elevations, Sections	EJE Architecture	13/11/2025
A034 – A035 Project no. 14076	J	Type 2B – Floor Plans, Roof Plan	EJE Architecture	13/11/2025
A036 – A037 Project no. 14076	I	Type 2B – Elevations, Sections	EJE Architecture	13/11/2025
A038 – A039 Project no. 14076	J	Type 2C – Floor Plans, Roof Plan	EJE Architecture	13/11/2025
A040 – A041 Project no. 14076	I	Type 2C – Elevations, Sections	EJE Architecture	13/11/2025
A042 – A043 Project no. 14076	J	Type 2D – Floor Plans, Roof Plan	EJE Architecture	13/11/2025
A044 – A045 Project no. 14076	I	Type 2D – Elevations, Sections	EJE Architecture	13/11/2025
A046 – A047 Project no. 14076	K	Type 2E – Floor Plans, Roof Plans	EJE Architecture	13/11/2025
A048 – A049 Project no. 14076	J	Type 2E – Elevations, Sections	EJE Architecture	13/11/2025
A050 – A051 Project no. 14076	K	Type 2F – Floor Plans, Roof Plans	EJE Architecture	13/11/2025
A052 – A053 Project no. 14076	J	Type 2F – Elevations, Sections	EJE Architecture	13/11/2025
A054 – A058	M	Type 3/4 – Ground Floor	EJE Architecture	13/11/2025

Project no. 14076		Plans, Level 1 Floor Plan, Roof Plans, Elevations, Sections		
A060 Project no. 14076	D	Townhouse – Group Plan	EJE Architecture	13/11/2025
A061 Project no. 14076	C	Townhouse Group 1 – Ground Floor	EJE Architecture	13/11/2025
A061.1 Project no. 14076	B	Townhouse Group 1 – Elevation and Section	EJE Architecture	13/11/2025
A062 Project no. 14076	D	Townhouse Group 2 – Ground Floor	EJE Architecture	9/12/2025
A062.1 Project no. 14076	B	Townhouse Group 2 – Elevation and Section	EJE Architecture	13/11/2025
A062.2 Project no. 14076	A	Townhouse Group 2 – Elevation and Section 02	EJE Architecture	9/12/2025
A063 Project no. 14076	C	Townhouse Group 3 – Ground Floor	EJE Architecture	13/11/2025
A063.1 Project no. 14076	B	Townhouse Group 3 – Elevation and Section	EJE Architecture	13/11/2025
A064 Project no. 14076	C	Townhouse Group 4 – Ground Floor	EJE Architecture	13/11/2025
A064.1 Project no. 14076	B	Townhouse Group 4 – Elevation and Section	EJE Architecture	13/11/2025
A065 Project no. 14076	C	Townhouse Group 5 – Ground Floor	EJE Architecture	13/11/2025
A065.1 Project no. 14076	B	Townhouse Group 5 – Elevation and Section	EJE Architecture	13/11/2025
A066 Project no. 14076	C	Townhouse Group 6 – Ground Floor	EJE Architecture	13/11/2025
A066.1 Project no. 14076	B	Townhouse Group 6 – Elevation and Section	EJE Architecture	13/11/2025
A067 Project no. 14076	C	Townhouse Group 7 – Ground Floor	EJE Architecture	13/11/2025
A067.1 Project no. 14076	B	Townhouse Group 7 – Elevation and Section	EJE Architecture	13/11/2025
A068 Project no. 14076	C	Townhouse Group 8 – Ground Floor	EJE Architecture	13/11/2025
A068.1 Project no. 14076	B	Townhouse Group 8 – Elevation and Section	EJE Architecture	13/11/2025

A069 Project no. 14076	D	Townhouse Group 9 – Ground Floor	EJE Architecture	10/12/2025
A069.1 Project no. 14076	C	Townhouse Group 9 – Elevation and Section	EJE Architecture	10/12/2025
A070-A071 Project no. 14076	M	Garage Type G1 – Floor & Roof Plans, Elevations, Sections	EJE Architecture	13/11/2025
A075-A076 Project no. 14076	K	Garage Type G3 – Floor & Roof Plan, Elevations, Section	EJE Architecture	13/11/2025
A077-A078 Project no. 14076	B	Garages – Site Ground Floor Plan, Site Elevation 1, Site Sections 1	EJE Architecture	13/11/2025
A079 Project no. 14076	C	Garages – Site Sections 1	EJE Architecture	13/11/2025
A080– A082 Project no. 14076	K	Cabin Type C1 – Floor Plans, Elevations, Sections	EJE Architecture	13/11/2025
A083– A085 Project no. 14076	K	Cabin Type C2 – Floor Plans, Elevations, Sections	EJE Architecture	13/11/2025
A086– A091 Project no. 14076	L	Cabin Type C3 – Floor Plans, Roof Plan, Elevations, Sections	EJE Architecture	13/11/2025
A092– A095 Project no. 14076	J	Cabin Type C4 – Floor Plans, Elevations, Sections	EJE Architecture	13/11/2025
A105– A107 Project no. 14076	F	Door & Windows Schedules 1 – 3	EJE Architecture	13/11/2025
A121 Project no. 14076	M	Schedule of Materials	EJE Architecture	13/11/2025
A140 Project no. 14076	J	Development Summary	EJE Architecture	13/11/2025
L03	H	Landscape Report	Green Space Planning Co.	14/11/2025
L04	H	General Arrangement	Green Space Planning Co.	14/11/2025
L05	H	Townhouse (West) Landscape Plan	Green Space Planning Co.	14/11/2025
L06	H	Townhouse (East) Landscape Plan	Green Space Planning Co.	14/11/2025
L07	H	Lot B Ground Floor Landscape Plan	Green Space Planning Co.	14/11/2025

L08	H	Community Space Landscape Plan	Green Space Planning Co.	14/11/2025
L09	H	Through Site Link	Green Space Planning Co.	14/11/2025
L10 – L11	H	Fleet Street Landscape Plan and Plant Schedule	Green Space Planning Co.	14/11/2025
DA-C04.01 Job No. NL221140	6	Civil Works Plan – Sheet 1	Northrop Consulting Engineers	20/11/2025
DA-C04.02 - DA-C04.03 Job No. NL221140	5	Civil Works Plan – Sheets 2 & 3	Northrop Consulting Engineers	20/11/2025
DA-C02.01 Job No. NL221140	5	Erosion and Sediment Control Plan	Northrop Consulting Engineers	07/04/2025
DA-02.10 Job No. NL221140	4	Erosion and Sediment Control Details	Northrop Consulting Engineers	07/04/2025
DA-C03.01 Job No. NL221140	1	Cut and Fill Plan	Northrop Consulting Engineers	07/04/2025
DA-C05.01 Job No. NL221140	4	Road Longitudinal Sections	Northrop Consulting Engineers	07/04/2025
DA-C09.01 Job No. NL221140	6	Civil Details	Northrop Consulting Engineers	04/08/2025
Sheet 1 of 1	1	Stage 1 and 2 Plan of Proposed Subdivision of Lot 112 DP285191	David Cant Surveyors	14/11/2025

Document Title	Version Number	Prepared By	Date of Document
Detailed Site Contamination Investigation Project No. 254833.DSI.	A	DRB Consulting Engineers	26/10/2025
Stormwater Management Report	B	Northrop Consulting Engineers	07/04/2025
Construction Noise Assessment and Management Plan and Acoustic Design Review Document ID. MAC252376-01RP1	N/A	Muller Acoustic Consulting Pty Ltd	27/04/2025
Bushfire Threat Assessment AEP Ref. 5075	01	Anderson Environment and Planning	18/09/2024
Bushfire and Vegetation Management Plan AEP Reference. 2501.1	06	Anderson Environment and Planning	06/09/2023

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

Condition reason - To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) **Approved Report Recommendations - Detailed Site Contamination Investigation**

- Construction of the development must comply with the recommendations of the Detailed Site Contamination Investigation, Project No. 254833.DSI, Revision A, prepared by DRB Consulting Engineers, dated 26/10/2025 detailed in section '9.1 Recommendations' of the report.

Condition reason - To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.

(3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

Condition reason - To ensure that all building works are completed in accordance with the Building Code of Australia.

(4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

Condition reason - To require signage that details the relevant contacts of a development.

(5) **Outdoor lighting** – All lighting must comply with AS 11158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

Condition reason - To ensure outdoor lighting complies with the relevant Australian Standards.

(6) **Design quality of development** - The approved design (including an element or detail of that design) or materials finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building without the approval of Council.

Condition reason - To ensure that the development is carried out in accordance with a specific design outcome.

(7) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, Reference No. DA20241120004835-S38-1, Dated 22 July 2025.

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

Condition reason - To ensure that the development is carried out in accordance with the General Terms of Approval issued by Integrated Development / Concurrence Agencies.

(8) **External agency approvals** – The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

The Requirements are:

1. Ausgrid, Reference No. 1900132903, Dated 04/12/2024.

A copy of the Requirements is attached to this determination notice.

Condition reason - To ensure that development is carried out in accordance with conditions are required by other external agencies (i.e. DOD, CASA etc).

(9) **Staging of development** – The development is to be completed in numerical stages in accordance with the approved Staging Plans titled 'Development Plan', project no. 14076, Revision D, dated 13/11/2025, prepared by EJE Architecture.

Condition reason - To ensure that the development is completed in accordance with the approved staging and stamped plans.

(10) **Section 7.11 Development contributions** – A monetary contribution is to be paid to Council for the provision of 66 dwellings, pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020 towards the provision of the following public facilities:

TOTAL 66 dwellings (41 partial credits)

Facility	Per dwelling	Per change of use	Total \$
Civic Administration – Plan Management	\$755	\$378	\$34,373
Civic Administration – Works Depot	\$1,170	\$585	\$53,235
Town Centre Upgrades	\$3,412	\$1,706	\$155,246
Public Open Space, Parks and Reserves	\$2,264	\$1,132	\$103,012
Sports & Leisure Facilities	\$2,082	\$1,041	\$94,731
Cultural & Community Facilities	\$445	\$223	\$20,268
Road Works	\$3,570	\$1,784	\$162,394
Shared Paths	\$3,286	\$1,642	\$149,472
Bus Facilities	\$9	\$5	\$430
Fire & Emergency Services	\$528	\$264	\$24,024
Flood & Drainage	\$2,177	\$1,089	\$99,074
Kings Hill Urban Release Area	\$302	\$151	\$13,741
TOTAL	\$20,000	\$10,000	\$910,000

STAGE 1 - 36 dwellings (36 partial credits)

Facility	Per change of use	Total \$
Civic Administration – Plan Management	\$378	\$13,608
Civic Administration – Works Depot	\$585	\$21,060

Town Centre Upgrades	\$1,706	\$61,416
Public Open Space, Parks and Reserves	\$1,132	\$40,752
Sports & Leisure Facilities	\$1,041	\$37,476
Cultural & Community Facilities	\$223	\$8,028
Road Works	\$1,784	\$64,224
Shared Paths	\$1,642	\$59,112
Bus Facilities	\$5	\$180
Fire & Emergency Services	\$264	\$9,504
Flood & Drainage	\$1,089	\$39,204
Kings Hill Urban Release Area	\$151	\$5,436
TOTAL	\$10,000	\$360,000

STAGE 2 - 5 dwellings (2 partial credits)

Facility	Per dwelling	Per change of use	Total \$
Civic Administration – Plan Management	\$755	\$378	\$3,021
Civic Administration – Works Depot	\$1,170	\$585	\$4,680
Town Centre Upgrades	\$3,412	\$1,706	\$13,648
Public Open Space, Parks and Reserves	\$2,264	\$1,132	\$9,056
Sports & Leisure Facilities	\$2,082	\$1,041	\$8,328
Cultural & Community Facilities	\$445	\$223	\$1,781
Road Works	\$3,570	\$1,784	\$14,278
Shared Paths	\$3,286	\$1,642	\$13,142
Bus Facilities	\$9	\$5	\$37
Fire & Emergency Services	\$528	\$264	\$2,112
Flood & Drainage	\$2,177	\$1,089	\$8,709
Kings Hill Urban Release Area	\$302	\$151	\$1,208
TOTAL	\$20,000	\$10,000	\$80,000

STAGE 3B - 4 dwellings

Facility	Per dwelling	Total \$
Civic Administration – Plan Management	\$755	\$3,020
Civic Administration – Works Depot	\$1,170	\$4,680
Town Centre Upgrades	\$3,412	\$13,648
Public Open Space, Parks and Reserves	\$2,264	\$9,056
Sports & Leisure Facilities	\$2,082	\$8,328
Cultural & Community Facilities	\$445	\$1,780
Road Works	\$3,570	\$14,280
Shared Paths	\$3,286	\$13,144
Bus Facilities	\$9	\$36
Fire & Emergency Services	\$528	\$2,112
Flood & Drainage	\$2,177	\$8,708
Kings Hill Urban Release Area	\$302	\$1,208
TOTAL	\$20,000	\$80,000

STAGE 3C - 6 dwellings (3 partial credits)

Facility	Per dwelling	Per change of use	Total \$
Civic Administration – Plan Management	\$755	\$378	\$3,399
Civic Administration – Works Depot	\$1,170	\$585	\$5,265
Town Centre Upgrades	\$3,412	\$1,706	\$15,354
Public Open Space, Parks and Reserves	\$2,264	\$1,132	\$10,188
Sports & Leisure Facilities	\$2,082	\$1,041	\$9,369
Cultural & Community Facilities	\$445	\$223	\$2,004
Road Works	\$3,570	\$1,784	\$16,062
Shared Paths	\$3,286	\$1,642	\$14,784
Bus Facilities	\$9	\$5	\$42
Fire & Emergency Services	\$528	\$264	\$2,376
Flood & Drainage	\$2,177	\$1,089	\$9,798
Kings Hill Urban Release Area	\$302	\$151	\$1,359
TOTAL	\$20,000	\$10,000	\$90,000

STAGE 4A - 4 dwellings

Facility	Per dwelling	Total \$
Civic Administration – Plan Management	\$755	\$3,020
Civic Administration – Works Depot	\$1,170	\$4,680
Town Centre Upgrades	\$3,412	\$13,648
Public Open Space, Parks and Reserves	\$2,264	\$9,056
Sports & Leisure Facilities	\$2,082	\$8,328
Cultural & Community Facilities	\$445	\$1,780
Road Works	\$3,570	\$14,280
Shared Paths	\$3,286	\$13,144
Bus Facilities	\$9	\$36
Fire & Emergency Services	\$528	\$2,112
Flood & Drainage	\$2,177	\$8,708
Kings Hill Urban Release Area	\$302	\$1,208
TOTAL	\$20,000	\$80,000

STAGE 4B - 4 dwellings

Facility	Per dwelling	Total \$
Civic Administration – Plan Management	\$755	\$3,020
Civic Administration – Works Depot	\$1,170	\$4,680
Town Centre Upgrades	\$3,412	\$13,648
Public Open Space, Parks and Reserves	\$2,264	\$9,056
Sports & Leisure Facilities	\$2,082	\$8,328
Cultural & Community Facilities	\$445	\$1,780
Road Works	\$3,570	\$14,280
Shared Paths	\$3,286	\$13,144
Bus Facilities	\$9	\$36

Fire & Emergency Services	\$528	\$2,112
Flood & Drainage	\$2,177	\$8,708
Kings Hill Urban Release Area	\$302	\$1,208
TOTAL	\$20,000	\$80,000

STAGE 5A - 3 dwellings

Facility	Per dwelling	Total \$
Civic Administration – Plan Management	\$755	\$2,265
Civic Administration – Works Depot	\$1,170	\$3,510
Town Centre Upgrades	\$3,412	\$10,236
Public Open Space, Parks and Reserves	\$2,264	\$6,792
Sports & Leisure Facilities	\$2,082	\$6,246
Cultural & Community Facilities	\$445	\$1,335
Road Works	\$3,570	\$10,710
Shared Paths	\$3,286	\$9,858
Bus Facilities	\$9	\$27
Fire & Emergency Services	\$528	\$1,584
Flood & Drainage	\$2,177	\$8,708
Kings Hill Urban Release Area	\$302	\$1,208
TOTAL	\$20,000	\$60,000

STAGE 5B – 4 dwellings

Facility	Per dwelling	Total \$
Civic Administration – Plan Management	\$755	\$3,020
Civic Administration – Works Depot	\$1,170	\$4,680
Town Centre Upgrades	\$3,412	\$13,648
Public Open Space, Parks and Reserves	\$2,264	\$9,056
Sports & Leisure Facilities	\$2,082	\$8,328
Cultural & Community Facilities	\$445	\$1,780
Road Works	\$3,570	\$14,280
Shared Paths	\$3,286	\$13,144
Bus Facilities	\$9	\$36
Fire & Emergency Services	\$528	\$2,112
Flood & Drainage	\$2,177	\$8,708
Kings Hill Urban Release Area	\$302	\$1,208
TOTAL	\$20,000	\$80,000

Payment of the above amount must apply to Development Applications as follows:

- Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.

Note: The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount must be indexed at the time of actual payment in accordance with the applicable Index.

Condition reason - To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.11 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.

(11) **Housing and Productivity Contribution** – The housing and productivity contribution (HPC) set out in the tables below is required to be made for each stage.

Stage 1 – Prior to the issue of an Occupation Certificate (change of use 36 existing tourist and visitor cabins to dwellings)

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$10,148.03

Stage 2 – Prior to the Issue of a Construction Certificate - Construction of 5 Dwellings

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$32,436.54

Stage 3 – Prior to the Issue of a Construction Certificate - Construction of 10 Dwellings

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$64,873.09

Stage 4 – Prior to the Issue of a Construction Certificate - Construction of 8 Dwellings

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$51,898.47

Stage 5 – Prior to the Issue of a Construction Certificate - Construction of 7 Dwellings

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$45,411.16

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Condition reason - To require contributions towards the provision of regional infrastructure.

Building Work

Before issue of a construction certificate

(12) **Civil engineering plans** – Prior to the issue of the relevant Construction Certificate, civil engineering plans prepared by a qualified engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal.

Plans must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that Civil Engineering plans have been prepared by a qualified engineer prior to the issue of the Construction Certificate.

(13) **Approved Report Recommendations - Construction Noise Assessment and Management Plan and Acoustic Design Review** – Prior to the issue the first Construction Certificate, a letter from a suitably qualified acoustic consultant must be provided to the certifying authority to confirm that the mitigation measures identified in the Construction Noise Assessment and Management Plan (CNAMP), prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC252376-01RP1, dated 27/03/2025 remain suitable for a single construction access via Fleet Street. Where necessary, an updated CNAMP must be provided to the certifying authority prior to the issue of the first Construction Certificate.

At all times, construction of the development must comply with the mitigation measures and recommendations of the Construction Noise Assessment and Management Plan (if required, as updated) and the Acoustic Design Review prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC252376-01RP1, dated 27/03/2025.

Condition reason - To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.

(14) **Stormwater/drainage plans** – Prior to the issue of the relevant Construction Certificate, detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that the development is carried out in accordance with the DCP.

(15) **Erosion and sediment control plan**– Before the issue of a Construction Certificate, Subdivision Works Certificate or commencement of demolition works

(whichever occurs first) an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to **certifier**:

- a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- b) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Condition reason - To ensure no substance other than rainwater enters the stormwater system and waterways.

(16) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993. Prior to the issue of the final Construction Certificate (Stage 5), a Roads Act application must be submitted to Council and include detail for the following:

- a) A footpath along the site's frontage to Fleet Street, connecting to the existing footpath on Soldiers Point Road.

Condition reason - To ensure that works within the road reserve are approved by a Section 138 Approval of the Roads Act 1993.

(17) **Landscape plan / street tree plan** – Prior to the issue of the Construction Certificate for Stage 1 and the Construction Certificate involving street planting, the Landscape Plans, prepared by Green Space Planning Co, Revision H, Dated 14 November 2025, must be amended to replace the Cabbage Tree Palms from within the front setback between the garages and the boundary with Fleet Street and the street trees identified in the Fleet Street road reserve from Eucalyptus leucoxylon 'Rosea', to either:

- a) *Acacia binervia*; or
- b) *Callistemon citrinus*; or
- c) *Melaleuca linariifolia*; or
- d) A species approved by Council's Natural Systems team.

The species must be of the same pot size identified in the landscape plans (75L).

Details demonstrating compliance must be provided to the Certifying Authority.

Condition reason - To ensure that further Landscape Plan / Street Tree Plan details are provided prior to the issuing of the Construction Certificate.

(18) **Car parking detail – Before the issue of a Construction Certificate** involving visitor car parking, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for visitor parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking.

Condition reason - To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.

(19) **Construction site management plan - Before the issue of any Construction Certificate**, a Construction Site Management Plan must be prepared to the certifier's satisfaction.

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones. The plan must ensure that construction activity zones and vehicle site access points do not utilise the Asset Protection Zone or fire trails in the sites west (located on Lot 2 DP 791551);
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
- e) Details of bulk earthworks to be carried out;
- f) Dust suppression and management measures;
- g) The location of site storage areas and sheds;
- h) The equipment used to carry out works;
- i) The location of a garbage container with a tight-fitting lid;
- j) Noise and vibration control measures - noise measures must be consistent with the approved CNAMP (or as amended in accordance with Condition 12), prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC252376-01RP1, dated 27/03/2025;
- k) The location of temporary toilets;
- l) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent

A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.

Condition reason - To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

(20) **Long Service Levy** – Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Condition reason – To ensure long service levy is paid prior to the issued of a Construction Certificate.

(21) **Staging of construction works** – The development is to be completed in numerical stages in accordance with the approved Staging Plans titled 'Development Plan', project no. 14076, Revision D, dated 13/11/2025, prepared by EJE Architecture.

A copy of the approved staging plan is to be provide to the certifier before the issue of any Construction Certificate.

One Construction Certificate may be issued for all stages, or a single Construction Certificate may be issued per stage.

Condition reason - To ensure that construction works are completed in accordance with the approved staging plans.

(22) **Retaining walls** – All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer or a system with a design certificate complying with the relevant Australian Standards.

Prior to the issue of any Construction Certificate involving the above-mentioned retaining walls, details demonstrating compliance must be provided to the Certifying Authority.

Condition reason - To ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer.

(23) **Privacy** – Prior to the issue of the Construction Certificate for Stage 2, the Architectural Plans prepared by EJE Architecture, project no. 14076, dated 13/11/2025 must be updated to include the following:

- a) The two windows (W1.07) located on the first floor of the eastern elevation of dwelling TH4 (Dwelling Type 4) must be made opaque or must be amended to include privacy louvres.
- b) The window (W1.05) located on the first floor of the northern elevation of dwelling TH3 (1D Design) must be made opaque or must be amended to include privacy louvres.
- c) The first-floor balcony of dwelling TH3 (1D design), must include a permanently fixed 1.8m high privacy screen privacy screen for the whole northern elevation. The screens must:
 - i. the screens must not have openings more than 30mm wide; and
 - ii. the total area of all openings must be less than 30% of the surface area of the screen when viewed in elevation.

Details demonstrating compliance must be provided to the Certifying Authority.

Conditions review - To mitigate privacy issues to adjoining properties.

Before building and subdivision work commences

(24) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
- e) if the principal certifier is a registered certifier
 - i) the certifier's registration number, and

- ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
- iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

Condition reason - To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least 2 days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the EP&A Act 1979.

(25) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) the name and address of the person;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the Registered numbers and date of issue of the development consent and construction certificate;
- e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

Condition reason - To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least 2 days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the EP&A Act 1979 & Section 57 of the EP&A Regulations 2021.

(26) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
- c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Condition reason - To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.

(27) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

Condition reason - To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.

(28) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.

No materials, waste or the like are to be stored on the all-weather access at any time.

Condition reason - To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.

(29) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

Condition reason - To ensure that construction waste is appropriately stockpiled and removed from site.

(30) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

Condition reason - To verify that the owner or contractor has a Public Liability Insurance Policy where there are works over public property.

(31) **Dilapidation report** - Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works on 2 and 2A Fleet Street and public land, to the satisfaction of the **principal certifier**.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the **principal certifier**, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 7 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier at the same time).

Condition reason - To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

(32) **Damage report – public infrastructure** – The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.

Condition reason - Small-scale development - Where the development is in close proximity to Council infrastructure.

During building and subdivision work

(33) **Implementation of BASIX commitments** - While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Condition reason - To ensure that while building work is being carried out, the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.

(34) **Hours of work** – Site work must only be carried out between the following times –

7:00am to 5:00pm on Monday to Saturday

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason - To protect the amenity of the surrounding area.

(35) **Site Access** – Vehicular site access points and construction activity zones must not utilise the Asset Protection Zone (APZ) or fire trails in the sites west (located on Lot 2 DP 791551).

Condition reason - To ensure vehicular site access and construction activity zones do not utilise the APZ area or fire trails on the site.

(36) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

Condition reason - To ensure adequate amenity facilities are provided to the site during construction.

(37) **Compliance with the Building Code of Australia** – Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason - To ensure that the development is undertaken in accordance with the Building Code of Australia.

(38) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

Condition reason - To ensure that all excavations and backfilling are safely and appropriately protected.

(39) **Building height** – A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage.

Condition reason - To ensure that the maximum building height of the structures on site are compliant with the consent and in accordance with the approved plans.

(40) **Surveys by a registered surveyor** – While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a) All footings/ foundations in relation to the site boundaries and any registered and proposed easements
- b) At other stages of construction – any marks that are required by the principal certifier.

Condition reason - To ensure buildings are sited and positioned in the approved location

(41) **Construction Site Management Plan** - All construction management procedures and systems identified in the approved Construction Site Management Plan must be maintained and implemented during construction of the development to ensure safety and to minimise the effect on adjoining properties and the public domain.

Condition reason – To ensure the Construction Management Plan is complied with during works.

(42) **Contaminated Land Management Plan** – The Contaminated Land Management Plan (CLMP) required by Condition 80, must be complied during building works (where necessary).

Condition reason – To ensure the CLMP is complied with during building works, where necessary.

(43) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:

- a) Diverted through a first flush system before being connected to the approved stormwater system.

Condition reason – To ensure stormwater is collected and discharged appropriately.

(44) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including

earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

Condition reason - To ensure that works relating to a development are to cease if any suspect materials are remediated in accordance with Council requirements.

(45) **Erosion and sediment controls in place** – Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with ‘Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason - To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

(46) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.

Condition reason - To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.

(47) **Construction noise** – While building work is being carried out, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of the Construction Site Management Plan and the Construction Noise Assessment and Management Plan (CNAMP), prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC252376-01RP1, dated 27/03/2025 (or as amended by Condition 13).

Condition reason - To ensure that developments do not give rise to offensive noise impacts during works.

(48) **Uncovering relics or Aboriginal objects** - While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - i) for a relic – the Heritage Council; or
 - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a) for a relic – the Heritage Council; or
- b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Condition reason - To ensure the protection of objects of potential significance

during works.

(49) **Cut and fill** – While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason - To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.

(50) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any 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.

Condition reason - To ensure that fill required for a development is managed in accordance with Council requirements.

(51) **Shoring and adequacy of adjoining property** - If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land or may impact permanent structures along the boundary or within adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpinning or shoring works must be undertaken to the building, structure or work to prevent any such damage.

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

Condition reason – To ensure development that involves excavation that extends below the base of the footings of a building on adjoining land will not result in adverse impacts to adjoining lots.

Before issue of an occupation certificate

(52) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development (for each relevant stage).

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.

Condition reason - To ensure that an Occupation Certificate relating to the development has been provided to the Principal Certifying Authority.

(53) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.

Condition reason - To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.

(54) **Footpath crossing construction** – Prior to the Occupation Certificate for Stage 5B, the footpath required by Condition 16 must be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.

Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.

Condition reason - To require the developer to construct a footpath crossing and driveway in accordance with the approved plans.

(55) **Services** – Prior to the issue of the relevant Occupation Certificate, evidence is to be provided to Council demonstrating that the following reticulated services are available to each dwelling/lot:

- a) Electricity;
- b) Water;
- c) Sewer; and
- d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

Condition reason - To verify that reticulated services are provided to the lot/s.

(56) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

Condition reason - To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.

(57) **Repair of infrastructure** – Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works(including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Condition reason - To ensure that any damage resulting to public infrastructure is appropriately rectified at no cost to the Council.

(58) **Completion of Roads Act Approval works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road

reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

Condition reason - To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.

(59) **Completion of landscape works** – Before the issue of the relevant Occupation Certificate, the principal certifier must be satisfied that all relevant landscape works for that stage have been completed in accordance with the approved plans and any relevant conditions of this consent including street tree plantings required by Condition 17.

Condition reason - To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

(60) **Car parking requirements** – Prior to the relevant Occupation Certificate for 5C, visitor car parking spaces must be signposted as such.

Prior to the issue of the final occupation certificate, details demonstrating that a minimum of 17 visitor car parking spaces including 1 accessible space have provided in accordance with the approved plans must be provided to the certifying authority.

Condition reason - To ensure that a specified number of car parking spaces is provided in accordance with the approved plans and they are compliant with Council requirements.

(61) **Communal Area** – Prior to the Occupation Certificate for Stage 5B, the communal open space (stage 5C) must be completed. Details demonstrating compliance must be provided to the certifying authority.

Condition reason - To ensure that the communal area is completed prior to the occupation certificate for the final stage of the development.

(62) **Construction to be in accordance with Acoustic Design Review** – Prior to the issue of the relevant Occupation Certificate, certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Design Review, prepared by Muller Acoustic Consulting, Document No. MAC252376-01RP1, dated 27/03/2025.

Condition reason - To ensure that construction has been undertaken in accordance with an approved development application and Acoustic Design Review.

(63) **Lot consolidation** – Prior to the issue of the first Occupation Certificate for Stage 1, Lot 2 DP 791551 and Lot 1 DP 285191 are to be consolidated.

A copy of the Registered Plan of consolidation must be provided to the Principal Certifying Authority.

Condition reason - To ensure that the identified lots are consolidated.

(64) **Buildings to be upgraded** – Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, Port Stephens Council as the consent authority for this development application has determined that the existing cabins subject to the change of use and alterations and additions, shall be upgraded so as to bring the buildings into partial conformity with the Building Code of Australia. The following works shall be completed prior to the issue of the relevant Occupation Certificate:

- The external walls (including penetrations) of the proposed Class 1 Buildings where located within 1.8 m from another class 1 building on the same allotment, shall be upgraded to comply with the *Spread of fire* requirements of Part H3P1 of the National Construction Code – Volume Two 2022 - Amendment 1.
- The proposed Class 1 Buildings shall be provided with automatic warning on the detection of smoke, to comply with the *Automatic warning for occupants* requirements of Part H3P2 of the National Construction Code – Volume Two 2022 - Amendment 1.

Condition reason - To ensure the existing building complies with the Building Code of Australia as at the date of the determination of and as specified by the consent authority

(65) **Stormwater Management Facility Operation, Maintenance and Monitoring**

Manual/s– An Operation, Maintenance and Monitoring Manual/s ('Manuals') plan for the stormwater management facility must be provided for approval to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate. The Plan / Manual(s) must be prepared by a qualified Engineer.

Condition reason - To ensure that the Operation, and Monitoring Manual/s for the stormwater management facility are appropriately prepared and have been provided to the Principal Certifying Authority.

(66) **Car parking requirements – Electric Vehicle** – One car parking space per each new dwelling (TH1 – TH30) must be provided with electrical circuitry that has the capacity to provide charging facilities for an electric vehicle.

Condition reason - To ensure compliance with control B8.20 of the Port Stephens Development Control Plan 2014.

(67) **Surrender of Development Consent** – Prior to the issue of an Occupation Certificate for Stage 2, the applicant must surrender the consent relating to DA No. 16-2018-121-1 for *Seniors housing (15 dwellings), caretakers residence, associated works (including demolition, vegetation clearing, access, landscaping) and termination of existing neighbourhood scheme* aby submitting an application for 'Surrender of a Consent' to Port Stephens Council in accordance with Section 68 of the Environmental Planning & Assessment Regulation 2021.

Condition reason - To require a previous Development Consent that is contrary or in contradiction to the current application to be surrendered in accordance with S68 of the EP&A Regulation 2021

Occupation and ongoing use

(68) **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.

Condition reason - To ensure that vehicles enter and leave the site in a forward direction.

(69) **Location of mechanical ventilation (if applicable)** – During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA at the boundary adjacent to any habitable room of an adjoining residential premises.

Condition reason - For all applications requiring air conditioning units.

(70) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

Condition reason - To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.

(71) **Waste management and collection** – At all times, the Neighbourhood Association (or relevant management body) must make arrangements for the placement of the garbage bins at the kerbside for weekly collection and must ensure the return of the bins to the garbage room as soon as practicable after collection.

Condition reason - To ensure that waste is managed and collected by community body.

(72) **Privacy screen** – Any privacy screen/s must be permanently maintained in accordance with the approved plans and conditions of this consent for the life of the development.

Condition reason - To mitigate and privacy impacts and ensure compliance with the approved plans.

(73) **Management of asset protection zones** - During occupation and ongoing use of the development, the Neighbourhood Association/Executive Committee (or relevant management body) must ensure the asset protection zone is managed, in accordance with the Bushfire and Vegetation Management Plan, prepared by Anderson Environment and Planning, Dated 06/09/2023, Reference 2501.01, Revision 6, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones. With regard to the APZ, the following must be complied with:

- No ground disturbance shall occur within the area covered by the approved Bushfire and Vegetation Management Plan (existing APZ easement) or remainder of Lot 2 DP 791551.

Condition reason – To ensure that the asset protection zone is managed during occupation and ongoing use of the development.

Demolition Work

Before Demolition Work Commences

(74) **Demolition Management Plan** - Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:

- a) The proposed demolition methods
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site

- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones. The plan must ensure that construction activity zones and vehicle site access points do not utilise the Asset Protection Zone or fire trails in the sites west (located on Lot 2 DP 791551).
- d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- f) Noise and vibration control measures, in accordance with the approved Construction Noise Management Plan approved under this consent.
- g) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- h) Details of re-use and disposal of demolition waste material
- i) Location of any reusable demolition waste materials to be stored on-site (pending future use)
- j) Location and type of temporary toilets onsite
- k) A garbage container with a tight-fitting lid.

Condition reason - To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

(75) **Disconnection of services before demolition work (if applicable)** - Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason - To protect life, infrastructure and services.

(76) **Asbestos removal signage (if applicable)** - Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason - To alert the public to any danger arising from the removal of asbestos.

(77) **Notice of commencement for demolition** - At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a) name
- b) address,
- c) contact telephone number,
- d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,
- e) and the contact telephone number of council and
- f) the contact telephone number of SafeWork NSW (4921 2900).

Condition reason - To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

During Demolition Work

(78) **Demolition Work** - All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

Condition reason - To ensure a development is carried out in accordance with the Australian Standard AS 2601 'The demolition of Structures', and all waste materials are appropriately removed.

(79) **Site Maintenance** - While demolition work is being carried out, the demolition management plan must be complied with and maintained until the demolition work and demolition waste removal are complete.

Condition reason - To protect workers, the public and the environment.

Remediation Work Before Remediation Works Commences

(80) **Contaminated Land Management Plan** – Prior to the commencement of remediation works, a Contaminated Land Management Plan (CLMP) shall be prepared to guide the management of soils and fill materials during development in accordance with the Detailed Site Contamination Investigation, Project No. 254833.DSI, Revision A, prepared by DRB Consulting Engineers, dated 26/10/2025 detailed in section '9.1 Recommendations' of the report.

Condition reason - To ensure a Contaminated Land Management Plan is prepared in accordance with the approved Detailed Site Contamination Investigation.

During Remediation Work

(81) **Contaminated Land Management Plan** – The Contaminated Land Management Plan (CLMP) required by Condition 80, must be complied with at all times during remediation work.

On Completion of Remediation Work

(82) **Validation Report** – A Validation Report prepared by a suitability qualified person must be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- a) compliance with the approved Contaminated Land Management Plan (CLMP), as required by Condition 80;
- b) that the remediation acceptance criteria (in the approved CLMP) has been fully complied with;

- c) that all remediation works undertaken comply with the Contaminated Lands Planning Guidelines, Contaminated Lands Management Act 1997 and the State Environmental Planning Policy (Resilience and Hazards) 2021.

and includes:

- a) Works As Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a Registered Surveyor;
- b) a “notice of completion of remediation work” as required under s4.15 if the Resilience and Hazards SEPP; and
- c) a statement confirming that the site following remediation of contamination is suitable for the intended use.

Condition reason - To ensure that a Validation Report is provided to the Council in accordance with CLMP recommendations, and the relevant legislation.

Subdivision **Before issue of a subdivision works certificate**

(83) **Staging of Subdivision works** – The development is to be completed in stages in accordance with the approved Staging Plans titled ‘Development Plan’, project no. 14076, Revision D, dated 13/11/2025, prepared by EJE Architecture.

One Subdivision Works Certificate may be issued for all stages, or a single Subdivision Works Certificate may be issued.

Condition reason - To ensure that staged development is completed in accordance with the approved Staging Plan/s.

(84) **Subdivision Works Certificate Required** – In accordance with the provisions of Section 6.13 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), subdivision works approved by this consent must not commence until the following has been satisfied:

- a) a Subdivision Works Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
- c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Condition reason - To clarify that a Subdivision Works Certificate is required.

(85) **Civil engineering plans** – Prior to the issue of the relevant Subdivision Works Certificate, civil engineering plans prepared by a qualified engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal.

Plans must be prepared in accordance with the approved plans and Council’s Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that Civil Engineering plans have been prepared by a qualified engineer prior to the issue of the Construction Certificate.

(86) **Stormwater/drainage plans** – Prior to the issue of the relevant Subdivision Works Certificate, detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that the development is carried out in accordance with the DCP.

(87) **Erosion and sediment control plan**– Before the issue of a Subdivision Works Certificate, Construction Certificate or demolition works (whichever occurs first) an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to **certifier**:

- c) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- d) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Condition reason - To ensure no substance other than rainwater enters the stormwater system and waterways.

(88) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993. Prior to the issue of the final Subdivision Works Certificate (Stage 5), a Roads Act application must be submitted to Council and include detail for the following:

- b) A footpath along the site's frontage to Fleet Street, connecting to the existing footpath on Soldiers Point Road.

Condition reason - To ensure that works within the road reserve are approved by a Section 138 Approval of the Roads Act 1993.

(89) **Fire Safety (fire brigade vehicles)** – Prior to the issue of a Subdivision Works Certificate, details must be provided to the certifying authority demonstrating that the design of the internal roads can achieve the required manoeuvrability for a general fire appliance including unimpeded horizontal and vertical clearance provisions, operational clearances and load bearing capacity. The design of the internal roads shall consider the technical recommendations given in Fire and Rescue NSW's Fire Safety Guideline "Access for Fire Brigade Vehicles and Fire Fighters" Version 5 Issued on 4 October 2019.

Condition reason - To ensure that internal roads are constructed in accordance with the relevant fire safety requirements.

(90) **Fire Safety (fire hydrants)** – Prior to the issue of a Subdivision Works Certificate, details must be provided to the certifying authority demonstrating that the approved location of the fire hydrants on site is consistent with the recommendations in Fire and Rescue NSW's Fire Safety Guideline "Fire hydrants for minor residential development" Version 02, Issued 1 September 2016.

Condition reason - To ensure that fire hydrant locations are consistent with the relevant fire safety requirements.

Before issue of a subdivision certificate

(91) **Requirement for a Subdivision Certificate** - The application for Subdivision Certificate(s) must be made in accordance with the requirements of Section 54 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Section 6.33(1) Environmental Planning and Assessment Act 1979.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent [16-2024-542-1], and of compliance with the relevant conditions of consent, prior to the issuing of a Torrens Plan of Subdivision.

In addition, one signed original copy of the original plans and/or documents, and final plan of survey/title, must be submitted to Council.

Condition reason - To enable the subdivision, boundary adjustment or lot consolidation of land and ensure compliance with the relevant development consent.

(92) **Show easements / restrictions on the Plan of Subdivision** - The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.

Condition reason - To ensure that all existing easements and/or restrictions on the use of land are shown on the final plan of subdivision.

(93) **Subdivision Certificate** – The issue of a Subdivision Certificate is not to occur until all conditions for the relevant stages of this development consent have been satisfactorily addressed and all engineering works are complete.

Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications and approved plans.

Condition reason - To ensure the development has satisfied the required conditions of consent in the relevant development consent to release the subdivision certificate.

(94) **Surveyor's Report** – A certificate from a Registered Surveyor must be provided to the Principal Certifying Authority, certifying that all drainage lines have been laid within their proposed easements.

Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

Condition reason - To confirm location of drainage lines and ensure that no services or access ways encroach the lot boundaries, unless suitability provided for by easements.

(95) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:

- a) Electricity.
- b) Water.
- c) Sewer.
- d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

Condition reason - To ensure that evidence of connection of services is provided to Council.

(96) **Addressing** - Prior to release of the subdivision certificate Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details.

Condition reason – To ensure addressing is provided prior to the release of a subdivision certificate.

(97) **Fire Safety (fire brigade vehicles)** – Prior to the issue of a Subdivision Certificate, a report prepared by a suitability qualified consultant must be provided to the certifying authority demonstrating that internal roads have been constructed to achieve the required manoeuvrability for a general fire appliance including operational clearances and vertical clearance provisions and load bearing capacity. The report shall confirm the achieved performance of the roadway, relating it to the technical recommendations given in Fire and Rescue NSW's Fire Safety Guideline "Access for Fire Brigade Vehicles and Fire Fighters" Version 5 Issued on 4 October 2019.

Condition reason - To ensure that internal roads are constructed in accordance with the relevant fire safety requirements.

(98) **Fire Safety (fire hydrants)** – Prior to the issue of a Subdivision Certificate, a report prepared by a suitability qualified consultant must be provided to the certifying authority demonstrating that the location of fire hydrants throughout the site is consistent with the recommendations given in the Fire and Rescue NSW's Fire Safety Guideline "Fire hydrants for minor residential development" Version 02, Issued 1 September 2016.

Condition reason - To ensure that fire hydrant locations are consistent with the relevant fire safety requirements.

(99) **Community Management Statements** – The management statement and development contract and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information.

The Management Statement must include within the By-Laws required by a public authority provisions for:

- a) **Community Waste Management Plan** – A Community Waste Management Plan must be prepared and include arrangements for a contractor to collect bins from within the site for placement at the kerbside for weekly collection. The plan must ensure that the same contractor returns the bins to the relevant location as soon as practicable after collection. Provisions requiring that the Executive Committee shall be responsible for the implementation and management of the Community Waste Management Plan.
- b) **Management of asset protection zone** – Procedures to ensure that the asset protection zone is managed, in accordance with the Bushfire and Vegetation Management Plan, prepared by Anderson Environment and Planning, Dated 06/09/2023, Reference 2501.01, Revision 6, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones. The procedures should detail that no ground disturbance shall occur within the area covered by the approved Bushfire and Vegetation Management Plan (existing APZ easement) or the remainder of Lot 2 DP 791551. Recreation within Lot 2 DP 791551 must be limited to existing fire / walking trails. Provisions requiring that the Executive Committee shall be responsible for the implementation of management plans and ongoing management of the Asset Protection Zone.
- c) **Stormwater Management Facility Operation, Maintenance and Monitoring Manual/s** – An Operation, Maintenance and Monitoring Manual/s ('Manuals') Plan for the stormwater management facility (inclusive of the infiltration tank and all water quality devices) must be prepared by a qualified Engineer. Provisions requiring that the Executive Committee shall be responsible for the implementation and ongoing management of the Operation, Maintenance and Monitoring Manual/s ('Manuals') Plan.
- d) **Maintenance of landscaping** – Procedures detailing how landscaping located on the community title lot is to be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times. If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed. Provisions requiring that the Executive Committee shall be responsible for the ongoing management of the landscaping located on the community title lot.

Condition reason - To ensure the relevant management procedures are included in the Management Statement.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#): <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf>. The consent should be read together with the [Conditions of development consent: advisory notes](#) to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig Australia" service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
3. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
4. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Port Stephens Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Hunter Central Coast Regional Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

- **Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.