

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** 2021-219.1

**Development:** Demolition of existing buildings, construction of a residential flat building comprising 44 units, including basement and ground level carparking, driveway, services, drainage and landscaping, a consolidation of allotments, and strata subdivision

**Site:** 10 Pacific Drive, Port Macquarie, NSW 2444 (legally described as Lot 1 in DP538077), 13 Pacific Drive, Port Macquarie, NSW 2444 (legally described as Lot 2 in DP538077), 16 Pacific Drive, Port Macquarie, NSW 2444 (legally described as Lot A in DP441800) and Lot 101 in DP1244390

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

**Date of determination:** 15 September 2022

**Date from which consent takes effect:** Date of determination

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as [insert details].

The conditions of consent are as follows:

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the Environmental Planning & Assessment Regulations 2000.

1. The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Document No.	Revision No.	Prepared by	Date
Statement of Environmental Effect Proposed Residential Flat Building	H	Land Dynamics Australia	27/06/2022
Updated Clause 4.6 Request for variation to clause 4.3 pf PM-H LEP 2011	E	Land Dynamics Australia	27/06/2022
Arboriculture Impact Assessment Report	0	The Tree MD Pty Ltd Geoffrey Ashton – Arboriculture AQF 5	25/06/2021
Arboriculture Addendum	0	The Tree MD Pty Ltd Geoffrey Ashton – Arboriculture AQF 5	12/08/2021
Biodiversity Assessment Report EC4474-BEC-REP-PacificDrive	2.0	Biodiversity Australia Pty Ltd	09/07/2021
Stormwater Management Plan 5115 – SWMP and Appendices	H	Land Dynamics Australia	June 2022
DCP Compliance Tables	D	Land Dynamics Australia	12/05/2022
Traffic and Parking Assessment	5.0	Building Inovations Australia	14/06/2022
Waste Management Plan	E	Elephants Foot Recycling Solutions	04/05/2021
Acoustic Assessment	3	Acoustic Logic	11/05/2022
BCA & Access Assessment	2.0	Building Inovations Australia	15/05/2022
BASIX Certificate	-	Taylor Smith Consulting	13/05/2022
Koala Assessment Report for Residential Developemnt	-	Biodiversity Australia Pty Ltd	January 2021
Bushfire Hazard Assessment	3.0	DAVID PENSINI Building Certification and Environmental Services	July 2022
Architectural Plan Set	E	Dickson Rothchild Pty Ltd	20/06/2022
Design Verification and ADG Compliance Table	C	Dickson Rothchild Pty Ltd	22/06/2022
Fire Engineering Letter	-	BCA Innovations	13/05/2022
Preliminary Site Investigation	0	EI Australia	16/12/2020
Geotechnical Investigation E24947-G03	1	EI Australia	31/05/2022
Structural Report	7	PTC Consulting Engineering	06/06/2022
Landscape Concept Plans	F	Land Dynamics	21/06/2022

Document No.	Revision No.	Prepared by	Date
Plan of Consolidation 5115StG2	-	Land Dynamics Australia	Undated
Strata Subdivision Plan Set	E		Undated
Draft Updated Easement Plan 5115EMT	-		12/05/2022
Survey Plan	E	Land Dynamics	-
Arborist Report	-	Land Dynamics	-
Electrical Design	-	Midstate Power	-

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

**Note:** *an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.*

- 1.A. This consent does not approve any signage. To the extent any building identification signage is required that does not constitute exempt or complying development, it must be the subject of a separate planning application and further approval must be procured for such signage.
2. No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:
  - a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

3. This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
4. Any necessary alterations to, or relocations of, public utility services are to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
5. The development site is to be managed for the entirety of work in the following manner:
  - a. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation.
  - b. Appropriate dust control measures must be implemented.
  - c. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work

adjoins the public domain, fencing is to be in place so as to prevent public access to the site.

- d. Building waste is to be managed via an appropriate receptacle.
- e. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- f. Building work being limited to the following hours, unless otherwise permitted by Council.
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- 6. The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- 7. The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and listed below, are attached and form part of the consent conditions for this approval.
  - NSW Rural Fire Service - The General Terms of Approval, Reference DA20210427001653-S4.55-1 and dated 10 August 2022, are attached and form part of this consent.
- 8. A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by Council prior to the erection or display of any such signs.
- 9. The provision, at no cost to Council, of concrete foot paving for the full street frontage of the development. A 1.2metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- 10. The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- 11. The proponent is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- 12. The proponent shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,

- c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by Council, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

13. The development must include an automatic stormwater sumps and pumps system designed by a Practising Hydraulic Engineer for the collection and disposal of seepage and stormwater from within the basement storey and the external yard areas on the western and southern sides of the development. The system shall incorporate standby pumps. The design plans for the required services must be approved by Council pursuant to Section 68 of the Local Government Act 1993.
14. The existing footpath/verge area in Pacific Drive is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
15. The required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any costs associated with these works shall be the responsibility of the proponent.
16. The applicant is to ensure the development will drain to the existing point of connection to Council's sewerage system.
17. Landscape works are to be maintained for a period of 24 months to ensure that planting for the purpose of screening and mitigating impacts to neighbours is successfully established. During this maintenance period the following must occur;
  - a. Regular attendance on site for the purpose of removal and replacement of all dead or non-performing plants or trees.
  - b. Weed management and replacement of mulch when mulch depths drop below the specified amount.

- c. The Landscape contractor is required to maintain a log of visits and a record of maintenance undertaken.

Quarterly inspections are to be undertaken by the project Landscape Architect to inspect the maintenance and the performance of the landscape. The Landscape Architect is required to submit a report to Council each quarter detailing (with photographic evidence) the performance of the installed landscape, identifying any issues and making recommendations for ongoing maintenance.

18. On completion of the 24 months landscape maintenance period the Project Landscape Architect is required to undertake an inspection and prepare a Final Completion Certificate which must be approved by Council, confirming that the installed landscape is well established and performing as intended.

## **PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION CERTIFICATE**

19. Prior to release of any Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council must be obtained. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

20. Submission to the Principal Certifying Authority prior to the issue of any Construction Certificate or Subdivision Works Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

- a. Road works along the frontage of the development including provision of CHR(s) turning treatment (inclusive pavement widening and any structures required). There is to be a passing lane constructed for traffic travelling south along Pacific Drive, so that vehicles turning right into the development do not interrupt the flow of traffic.
- b. Sewerage reticulation. Due to the scale of the development and the increased load on sewer infrastructure, it is necessary to discharge all sewage to a new or existing manhole. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.
- c. Water supply. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Each individual unit shall be individually metered with the meters either located at an easily accessible location unless the

water supply to the whole site is metered with a single larger meter with private meters at each unit. Details are to be provided on the hydraulic plans.

- d. Stormwater systems including sub-soil drainage systems.
  - e. Provision of a 1.2m (unless varied in writing by Council), concrete footpath paving across the full road frontage of the property.
21. An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within a public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of any Construction Certificate.

Such works include, but not be limited to:

- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving
  - Footway and gutter crossing
  - Functional vehicular access
22. Payment to Council, prior to the issue of any Construction Certificate of the Section 7.11 contributions set out in the “Developer Charges – Estimate” schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans (as amended):
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan 2003
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan 2004
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed on Council’s website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached “Notice of Payment” is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current “Notice of Payment” form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

23. Prior to the issue of any Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 (as amended from time to time) must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

24. An application for a water meter hire must be submitted to Council to obtain a quotation for the installation of a water meter and it must be paid for prior to the issue of any Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
25. Prior to release of any Subdivision Works Certificate or Construction Certificate the proponent must submit details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
  - Recommended load limits for haulage vehicles;
  - A procedure for monitoring the condition of the pavement during the haulage; and
  - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.



26. The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main which is the receiving main for this development. The manhole on the western boundary is to remain for the adjoining property and is not to be utilised by this development. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with any application for Construction Certificate.
27. Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for any Construction Certificate.
28. Prior to the issue of any Construction Certificate a dilapidation report must be prepared by a suitably qualified person for buildings on adjoining properties. Such report must be approved by Council and be furnished to the Principal Certifying Authority.
29. Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
30. A stormwater drainage design is to be submitted and approved by Council prior to the issue of any Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and must make provision for the following:
  - a. The legal point of discharge for the proposed development is defined as a direct connection to Council's downstream piped drainage system.
  - b. The design is to be generally in accordance with the stormwater drainage concept within the Stormwater Management Plan (Rev H).
  - c. The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to predevelopment flow rates for all storm events up to and including the 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum). Alternative is to submit an electronic model in DRAINS format for electronic review. Note that predevelopment discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
  - d. The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - e. Where works are staged, a plan is to be provided that demonstrates which treatment measures are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
  - f. The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

- g. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
  - h. The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
  - i. Walls are to be provided along the western boundary and along that portion of the southern boundary which is adjacent to Lot B DP441800. These walls are to provide an impermeable barrier to surface flows, and to sub-surface flows within a minimum depth of 0.6m below the existing ground level. Surface and sub-surface flows are to be collected and directed to stormwater pits located along the boundary at maximum spacings of 20m, and piped to the proposed stormwater pump station in the south-western corner of Building B. This piping is to be achieved in suitably sized stormwater pipes (not the subsoil pipes shown on Concept Servicing Plan 0001 Rev I). The stormwater system and pump station are to have capacity to cater for any storm up to 1% AEP and sufficient pump storage is to be provided to cater for a power outage of 2 hours without overflow.
  - j. The boundary wall system is to be designed to ensure that in the event of exceedance of the stormwater system capacity (e.g. due to extreme storms, unforeseen blockage, etc) that overflow into neighbouring properties is not concentrated or exacerbated relative to pre-development conditions.
  - k. Details of the boundary wall system are to be coordinated with the architectural and landscaping plans, and submitted and approved by Council prior to the issue of a Construction Certificate.
  - l. All basement perimeter walls for the buildings are to be designed as wet walls / drainage walls with collected seepage flows directed to the basement pump out system in accordance with the recommendations of the Geotechnical Investigation Report.
31. The building shall be designed and constructed so as to comply with the Bushfire Attack Levels (BAL) prescribed in the bushfire safety authority issued by NSW RFS dated 10 August 2022. Details shall be submitted to the Principal Certifying Authority with the application for any Construction Certificate, demonstrating compliance with these requirements.
32. Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for any Construction Certificate.
33. The design of the carpark and accesses are to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of any Construction Certificate.
34. The existing sewer including junction and/or stormwater drainage must be located on the site and the position and depth indicated on the plans which accompany the application for any Construction Certificate.
35. Prior to release of any Construction Certificate, a Waste Management Plan in accordance with Council's current requirements must be approved by Council.

36. Prior to release of any Construction Certificate owner's consent must be provided to Council with any Section 68 application and/or Subdivision Works Certificate where augmentation is required on adjoining property including:
- Council's sewer infrastructure (i.e. sewer junction, sideline or manhole).
37. The certifying authority must not issue any Construction Certificate unless the certifying authority has received a statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles specified in State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.
38. Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
  - ii. located within 1m of the property boundaries; or
  - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for a Construction Certificate.
39. Prior to the issuing of any Construction Certificate, the Principal Certifying Authority (PCA) shall submit to Council a detailed acoustic review of the mechanical plant to be installed within the proposed building and site, that has been carried out by a suitably qualified and practising acoustic consultant to determine the required acoustic treatments to control noise emissions from mechanical plant to satisfactory levels. Council approval of the acoustic report is required prior to the issue of any Construction Certificate.
40. Prior to the issue of any Construction Certificate, detailed plans of a pedestrian refuge within the Pacific Drive Road reservation in proximity to the pedestrian exit from the development, must be submitted to and approved by Council. The construction of the pedestrian refuge must be completed to Council's satisfaction prior to the issue of any Occupation Certificate.
41. Prior to Construction Certificate the proponent is to submit to Council for approval full construction documentation and specifications for the landscape component of the project. The Landscape Construction Documentation Package is to be prepared by an AILA Registered Landscape Architect and is to be in accordance with the approved DA Landscape Documentation. The Landscape Construction Documentation is to detail all finished levels, materials, plant numbers, pot sizes and locations, and is to provide appropriate details and specifications to ensure that the landscape is installed as per the intent of the approved documentation.
42. Prior to the issue of any Construction Certificate a Lighting Strategy, design and management plan (lighting plan) must be prepared by a qualified lighting designer and approved by Council. The lighting plan must be informed by the landscape plan and the CPTED. It must ensure that spaces of shadows and concealment are not created by the building and landscaping.

43. Prior to the issue of any Construction Certificate an Electronic Vehicle Connections Strategy (EV Strategy) must be prepared by an appropriately qualified electrician in accordance with the relevant Australian Standards and Building Code of Australia requirements. A minimum of 25% of resident car parking spaces including two disabled car parking spaces, must be provided with vehicle ready connections. The EV Strategy must be approved by Council prior to the issue of any Construction Certificate.
44. Prior to the issue of any Construction Certificate a report from an appropriately qualified architect must be prepared demonstrating that the 8 units shown in the architectural plans as adaptable units meet the housing provisions of AS/NZS 4299.

## **PART C – PRIOR TO ANY WORK COMMENCING ON SITE**

45. A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
46. Prior to any work commencing on site a controlled activity approval shall be obtained, prior to any work on site commencing, from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, the proponent should check with the relevant airport operator at the earliest possible stage.
47. Prior to works commencing an application must be lodged with the relevant electricity and telecommunications service providers. Such services are required to be underground.
48. Prior to any works commencing on site, a hoarding, fence or other measures to restrict public access to the site during the course of works must be installed. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be approved by Council.
49. Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
50. Prior to any works commencing on site a Construction Management Plan (CMP) must be prepared, lodged with Council and approved by Council. The CMP must demonstrate how all environmental aspects associated with the construction works, including off site impacts such as the transport of materials to and from the site, can be satisfactorily managed.

## **PART D – DURING CONSTRUCTION WORK**

51. Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council;
  - a. at completion of installation of erosion control measures;

- b. at completion of installation of traffic management works;
- c. at the commencement of earthworks;
- d. when the sub-grade is exposed and prior to placing of pavement materials;
- e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- f. before pouring of kerb and gutter;
- g. prior to the pouring of concrete for sewerage works and/or works on public property;
- h. during construction of sewer infrastructure;
- i. during construction of water infrastructure;
- j. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

Notice of each required inspection under this condition must be given 24 hours prior to inspection, by contacting Council on (02) 65818111. The Construction Certificate number and property description must be quoted to ensure the inspection is confirmed.

- 52. The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence on the site until a NOA management plan has been approved by Council or Workcover.
- 53. A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 54. Where necessary provision being made for support of adjoining properties and roadways during construction.
- 55. The proponent must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 56. The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council
- 57. During all phases of demolition, excavation and construction, it is the responsibility of the proponent and its contractors to:

- a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
- b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
- c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

58. The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: The Demolition of Structures. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – Code of Practice for Safe Removal of Asbestos and Code of Practice for the Management and Control of Asbestos in Workplaces.

59. If removal of the existing fence on the northern boundary of the site is required, the proponent must replace the fence with a suitable koala friendly fence.
60. The Project Landscape Architect must be engaged for the duration of the construction period to ensure that the proposed landscaping is installed as per the approved documentation.
61. The Project Landscape Architect is required to undertake regular site inspections during construction and also inspect all tree stock prior to delivery to site.
62. All tree stock is to conform to AS2303 – Tree Stock for Planting Use.
63. Any proposed changes to the approved landscape plan as a result of on site conditions must be discussed with the Project Landscape Architect prior to being implemented. If changes are deemed necessary to reduce the area of landscaping or impact on the intent of the landscaping strategy, particularly in regard to protection of neighbours privacy or visual amenity, the changes must be referred to and approved by Council.

**PART E – PRIOR TO OCCUPATION OR THE ISSUE OF ANY OCCUPATION CERTIFICATE / STRATA CERTIFICATE**

64. The built premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
65. Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
66. The proponent is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of any Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
67. Prior to the issue of any Subdivision Certificate a plan prepared by a Registered Surveyor must be submitted to Council, showing the location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
68. Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of any Occupation Certificate or commencement of the approved land use.
69. A sign at the front vehicular access point within the property, indicating that visitor parking is available on-site must be installed, prior to occupation or the issue of any Occupation Certificate.
70. Prior to occupation or the issuing of any Occupation Certificate documentation from Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed must be provided to the Principal Certifying Authority (PCA).
71. An appropriately qualified and practising consultant is required to certify the following prior to the issue of any Occupation Certificate:
  - a. all drainage lines have been located within the respective easements;
  - b. any other drainage structures are located in accordance with the Construction Certificate;
  - c. all stormwater has been directed to a Council approved drainage system;
  - d. all conditions of consent/ construction certificate approval have been complied with; and
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
72. Prior to the issue of any Occupation Certificate, each onsite detention system is to be marked by a plate in a prominent position which states:

“This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow”.

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.

73. Prior to the issue of any Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities and the stormwater pump systems on the property.

The terms of the 88E instrument with positive covenant shall include/ provide for at least the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD") and the stormwater pump systems.
- b. The Proprietor shall have the OSD and the pump out systems inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and the pump out systems or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and the stormwater pump out systems, or failure to clean, maintain and repair the OSD and the stormwater pump out systems.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

74. Prior to the issue of any Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include/ provide for at least the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain



in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

75. A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of any Occupation Certificate.

76. Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the issue of any Occupation certificate and prior to acceptance of works into the nominated 'into maintenance period'.

77. Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

78. All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/ Subdivision Certificate or release of the security bond, whichever is to occur first.

79. A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation or Subdivision Certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.

80. Prior to the issue of any Occupation Certificate, written confirmation must be provided to the Principal Certifying Authority (PCA) from a properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

81. Prior to the issue of any Occupation Certificate a report from a suitably qualified electrician must be approved by Council that confirms all works required pursuant to the EV Strategy have been carried out and completed.
82. Prior to the issue of any Occupation Certificate, ancillary works shall be undertaken at no cost to Council to make the engineering works required by this development consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out;
  - b. The relocation of above ground power and telephone services;
  - c. The relocation of street lighting; and
  - d. The matching of new infrastructure into existing or future design infrastructure.
83. Prior to the issue of any Occupation Certificate evidence from the electricity and telecommunications providers that satisfactory service arrangements have been made to the dwellings (including street lighting and fibre optic cabling where required), must be submitted to the satisfaction of the Certifying Authority.
84. Prior to the issue of any Occupation Certificate or Strata Certificate the easements and restrictions set out in the Draft Updated Easement Plan dated 12 May 2022 must be created and registered on the relevant allotments.
85. Prior to the issue of any Occupation Certificate, the plan of subdivision and Section 88B instrument must establish the following restrictive covenants restrictions, easements and/or covenants; with the Council having the benefit of these covenants and having the sole authority to release, vary or modify these covenants each restriction, easement and/or covenant.
  - a. Restriction as to user for private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractors. All wastes are to be collected as separate waste streams. Garbage collection by private contractors shall occur from within the property and not obstruct the use of the public roads.
86. A compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications must be submitted. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of any Strata or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
87. The strata certificate shall not be issued until such time that the building associated with this development is substantially commenced (as determined by Council).
88. Prior to the issue of any Occupation Certificate, or occupation of the buildings, whichever occurs first, certification from a suitably qualified lighting designer

must be submitted to the PCA and Council certifying that the lighting has been installed consistent with the Lighting Strategy.

89. A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued.
90. Prior to the issuing of any Occupation Certificate, or occupation of the buildings, whichever occurs first, certification from a suitably qualified and practising acoustic consultant must be submitted to the PCA and Council certifying that glazing, acoustic seals, sealant, external glazed doors, external walls, ceilings and roof construction complies with the requirements set out in the Acoustic Logic DA Acoustic Assessment Report.
91. Prior to the issue of any Occupation Certificate, the project Landscape Architect (or other AILA Registered Landscape Architect) is to undertake an inspection on practical completion of the landscape works and provide written confirmation to the PCA that all landscape works have been installed as per the approved documentation.

## **PART F – OCCUPATION OF THE SITE**

92. On site car parking in accordance with the approved plans is to be provided in an unrestricted manner at all times for use by both residents and visitors. One visitor parking space and the 6 resident parking spaces shown as disabled parking spaces on the architectural plans, are to be configured and available for parking for persons with a disability.
93. A strobe light and convex mirror must be installed and be operational at all times adjacent to the loading bay and car park access ramp to identify a service vehicle within the service bay.
94. The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis.
95. Any exterior lighting on the site shall be designed and installed in accordance with the Lighting Strategy so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282. No flashing, moving or intermittent lighting is permitted on the site.