

Attachment A

Draft Conditions of Consent

GENERAL CONDITIONS (A)

Condition					
1	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	DA0100 to DA0607	D	Site, Context, and Streetscape Plans	DKO Architecture	12 October 2023
	DA1101 to DA1107	D	Lot 1-4 Dwelling Plans	DKO Architecture	12 October 2023
	DA1201 to DA1207	D	Lot 5-8 Dwelling Plans	DKO Architecture	12 October 2023
	DA1301 to DA1307	D	Lot 9-12 Dwelling Plans	DKO Architecture	12 October 2023
	DA1401 to DA1407	D	Lot 13-16 Dwelling Plans	DKO Architecture	12 October 2023
	DA1501 to DA1507	D	Lot 17-20 Dwelling Plans	DKO Architecture	12 October 2023
	DA1601 to DA1607	D	Lot 21-24 Dwelling Plans	DKO Architecture	12 October 2023
	DA1701 to DA1707	D	Lot 25-26 Dwelling Plans	DKO Architecture	12 October 2023
	DA1801 to DA1807	D	Lot 27-30 Dwelling Plans	DKO Architecture	12 October 2023
	DA1901 to DA1907	D	Lot 31-34 Dwelling Plans	DKO Architecture	12 October 2023

	DA2001 to DA2007	D	Lot 35-38 Dwelling Plans	DKO Architecture	12 October 2023
	DA2101 to DA2108	D	Lot 39-44 Dwelling Plans	DKO Architecture	12 October 2023
	DA2201 to DA2208	D	Lot 45-49 Dwelling Plans	DKO Architecture	12 October 2023
	DA2301 to DA2309	D	Lot 50-56 Dwelling Plans	DKO Architecture	12 October 2023
	DA2401 to DA2407	D	Lot 57 Dwelling Plans	DKO Architecture	12 October 2023
	DA2501 to DA2507	D	Lot 58-60 Dwelling Plans	DKO Architecture	12 October 2023
	DA2601 to DA2607	D	Lot 61-64 Dwelling Plans	DKO Architecture	12 October 2023
	DA2701 to DA2707	D	Lot 65 Dwelling Plans	DKO Architecture	12 October 2023
	5802-33-667-01 to 5802-33-667-15	H	Civil Plans	Hopkins Consultants	19 October 2023
	2522067 Page 2 to 22	04	Landscape Plans	Place Design Group	13 October 2023
Approved documents					
	Document title	Version number	Prepared by	Date of document	
	Flora and Fauna Assessment Report	23NEW6764	Eco Logical Australia	9 November 2023	
	BASIX Certificate	1364505M_04	EcoMode Design	18 October 2023	
	Traffic and Parking Assessment Report	PT22045r01	Positive Traffic	August 2023	
	Water Quality Strategy Plan	300203748 Rev 1B	Stantec	14 June 2023	
	Stormwater Management Plan	Rev A	Hopkins Consultants	May 2023	

	Bush Fire Assessment Report	-	Midcoast Building and Environmental	March 2023
	Statement of Environmental Effects	-	Hopkins Consultants	April 2023
	Traffic Noise Assessment	M22163.01	Matrix Thornton	19 December 2022
	Waste Management Plan	-	Hopkins Consultants	April 2023
<p>In the event of any inconsistency between the approved plans and documents, the approved plans/documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2	Certificates			
	<p>The following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 shall be obtained at the respective stages:</p> <ul style="list-style-type: none"> • Construction Certificate; • Occupation Certificate • Strata Certificate 			
	Condition Reason: To ensure that appropriate building and subdivision certification is obtained.			
3	Notification of Home Building Act 1989 requirements			
	<ol style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 - the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. 			

	Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
4	<p>Shoring and adequacy of adjoining property</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense - <ol style="list-style-type: none"> a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if - <ol style="list-style-type: none"> a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying. <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
5	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out - <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be - <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to - <ol style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
6	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -</p> <ol style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
	Staging

7	<p>The development must only proceed in accordance with the approved stages as set out below:</p> <ul style="list-style-type: none"> • Stage 1 - Lots/Dwellings 27 to 44. • Stage 2 - Lots/Dwellings 17 to 26, 45 to 56, and communal swimming pool. • Stage 3 - Lots/Dwellings 1 to 16 and 57 to 65. <p>Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.</p> <p>Condition Reason: To set out how the development can be staged.</p>
8	<p>Public works and utility services alterations</p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p>Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations.</p>
9	<p>Construction site management</p> <p>The development site is to be managed for the entirety of work in the following manner:</p> <ol style="list-style-type: none"> 1. 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; 2. Appropriate dust control measures; 3. 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; 4. Building waste is to be managed via appropriate receptacles into separate waste streams; 5. 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. 6. Building work being limited to the following hours, unless otherwise permitted by Council; <ul style="list-style-type: none"> - Monday to Saturday from 7.00am to 6.00pm - No work to be carried out on Sunday or public holidays <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> 7. All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority. <p>Condition Reason: To ensure that construction site is appropriately managed to prevent impacts to adjoining properties, the public domain and to ensure waste is disposed of in a practical and sustainable manner.</p>
10	<p>AUSPEC Specifications</p> <p>The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.</p> <p>Condition Reason: To ensure public infrastructure works meet appropriate industry standards.</p>
11	<p>General Terms of Approval (State Authority)</p> <p>The General Terms of Approval (GTAs) from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.</p>

	<p>NSW Rural Fire Service - The General Terms of Approval, Reference DA20230511002017-CL55-2 and dated 21 December 2023 are attached and form part of this consent.</p> <p>NSW Department of Planning and Environment - Water - The General Terms of Approval, Reference IDAS-2023-10325 and dated 1 June 2023 are attached and form part of this consent.</p> <p>Condition Reason: To ensure that external State agency requirements are satisfied.</p>
12	<p>Public foot paving</p> <p>The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For College Drive a 2.5 metre wide footpath (unless varied in writing by Council) is required between the existing footpath on Chancellors Drive and the culvert to the east of the site, with design details in accordance with AUSPEC and Council Standard drawing 100 series. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.</p> <p>Condition Reason: To ensure that the development positively contributes to the public domain and accommodates pedestrians.</p>
13	<p>Bonds</p> <p>The applicant shall provide security to the Council for the payment of the cost of the following:</p> <ol style="list-style-type: none"> making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates, 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, remedying any defects in any such public work that arise within twelve (12) months after the work is completed. <p>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.</p> <p>The security is to be for such reasonable amount as is determined by the consent authority, 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:</p> <ol style="list-style-type: none"> deposit with the Council, or an unconditional bank guarantee in favour of the Council. <p>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.</p> <p>Condition Reason: To specify the monetary bond required to be paid to protect public infrastructure from damage or defects.</p>
14	<p>Street tree replacement</p> <p>The street trees impacted by the driveway shall be removed and reinstated to a position agreed to by Port Macquarie-Hastings Council. The position of the relocated trees shall be</p>

	clearly shown on the plans accompanying the Section 138 application. The relocated trees shall be cared for and maintained for a period of at least 12 months. If relocation is unsuccessful a new tree of the same species and size shall be planted in a suitable location in front of the property.
	Condition Reason: To ensure that the development positively contributes to the landscaping of the public domain.
15	School zone signage relocation
	The school zone signage and pavement markings impacted by the driveway shall be removed and reinstated to a position agreed to by Port Macquarie-Hastings Council. The position of the relocated signage shall be clearly shown on the plans accompanying the Section 138 application.
	Condition Reason: To ensure that road safety is maintained for the nearby school.
16	Flood levels for plumbing fixtures
	All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is 4.03m AHD. Details demonstrating compliance shall be clearly illustrated on plans accompanying the Section 68 application.
	Condition Reason: To protect public health and safety and building assets.
17	Flood compatible materials
	All parts of the development below 4.53m AHD shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document <i>Reducing Vulnerability of Buildings to Flood Damage (2007)</i> .
	Condition Reason: To protect public health and safety and building assets.
18	Mitigation measures for biodiversity impacts
	All mitigation and management measures in Section 5 of the Flora and Fauna Assessment Report shall be implemented at the relevant stages of the development.
	Condition Reason: To protect the environment and biodiversity values.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE (B)

Condition	
1	Plumbing permit
	<p>Prior to release of the 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. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:</p> <ul style="list-style-type: none"> • Position and depth of the sewer (including junction) • Stormwater drainage termination point • Easements • Water main • Proposed water meter location

	Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.
2	<p>Works in road reserve permit</p> <p>An application pursuant to Section 138 of the Roads Act 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate. Such works include, but are not be limited to:</p> <ul style="list-style-type: none"> • Civil works. • Traffic management. • Work zone areas. • Hoardings. • Concrete foot paving. • Footway and gutter crossing (heavy duty to ASD202) at the site access in College Drive and connecting the fire trail to Chancellors Drive at the western end. • Relocation of street trees. • Relocation of school zone signage. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
3	<p>Section 7.11 Contributions</p> <p>Payment to Council, prior to the issue of a Construction or Strata Certificate (whichever occurs first) of the Section 7.11 contributions set out in the “Notice of Payment – Developer Charges” 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 either the provisions of the following plans (as amended) or a Planning Agreement:</p> <ul style="list-style-type: none"> • 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 • Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15 2014 <p>The plans may be viewed on Council’s website.</p> <p>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.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.</p>
4	<p>Retaining walls</p> <p>Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:</p> <ol style="list-style-type: none"> i. earthworks that are more than 600mm above or below ground level (existing); and located within 1m of the property boundaries; or

	<p>ii. earthworks that are more than 1m above or below ground level (existing) in any other location;</p> <p>are to be submitted to the Principal Certifier with the application for Construction Certificate.</p> <p>Condition Reason: To ensure retaining walls have structural integrity.</p>
5	<p>Landscaping plans</p> <p>Prior to release of the Construction Certificate submission of an amended landscape plan to the Principal Certifier. The plans shall include 4 <i>Eucalyptus robusta</i> (Swamp Mahogany) at appropriate locations within the landscaped area for the development. The offset plantings are to be provided at, or prior to, the stage of the development that involves removal of the existing <i>Eucalyptus robusta</i> (Swamp Mahogany).</p> <p>Condition Reason: To positively contribute to the aesthetics and biodiversity of the area.</p>
6	<p>Car parking and access certification</p> <p>The design of the carpark and accesses is 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 Certifier prior to release of the Construction Certificate.</p> <p>Condition Reason: To ensure that safe and practical accessibility/functionality is provided.</p>
7	<p>Utilities and services including Water and Sewer</p> <p>Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided:</p> <ul style="list-style-type: none"> • A response from Council as a Water Authority as to whether plans accompanying the application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met. <p>Condition Reason: To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.</p>
8	<p>Environmental Management Land Contribution</p> <p>Prior to the issue of the Stage 1 Construction Certificate or Strata Certificate (whichever occurs first) evidence shall be provided confirming that the Environmental Management Land Contribution has been paid in accordance with the Area 13 Environmental Land Management Planning Agreement.</p> <p>Condition Reason: To ensure that the developer's obligations under the Planning Agreement are satisfied.</p>
9	<p>Stormwater drainage design</p> <p>A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:</p> <ol style="list-style-type: none"> a) The legal point of discharge for the proposed development is defined as direct discharge to the adjoining waterway. b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5 c) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7. Construction certificate plans shall be accompanied by a maintenance plan(s) for each water quality control device. d) Where works are staged, a plan is to be provided which 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.

	<p>e) 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.</p> <p>f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
10	<p>Minimum floor levels for flooding</p> <p>Prior to the issue of a Construction Certificate, the following minimum finished floor levels shall be clearly illustrated on the plans:</p> <p>(a) Non-habitable areas - at or above 2.61m AHD;</p> <p>(b) Habitable areas - at or above 4.53m AHD.</p> <p>Condition Reason: To protect public health and safety and building assets.</p>
11	<p>Structure certification for works within flood prone area</p> <p>Prior to release of the Construction Certificate, a practising chartered professional structural engineer is to provide certification to the Principal Certifier that any building or structure below 4.03m AHD is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a flood level of RL 4.03m AHD and a velocity of 0.03m/s.</p> <p>Condition Reason: To protect public health and safety and building assets.</p>
12	<p>Minimum finished level for roads</p> <p>Prior to the issue of a Construction Certificate, the plans shall confirm that all internal roads and the perimeter fire trail will have a minimum level of 4.03m AHD</p> <p>Condition Reason: To protect public health and safety and allow for safe evacuation.</p>
13	<p>Relocation of existing electricity infrastructure and extinguishment of easement</p> <p>Prior to the issue of the Stage 1 Construction Certificate, evidence shall be provided to the Principal Certifier that the overhead powerlines have been relocated underground in the road reserve to the satisfaction of the relevant electricity authority, and that the easement for overhead powerlines has been extinguished.</p> <p>Condition Reason: To protect public health and safety and protect electricity infrastructure.</p>
14	<p>Temporary turning facilities</p> <p>Temporary turning facilities shall be provided for any stage of the development that results in a dead end on the internal road. The turning facilities shall have dimensions sufficient to accommodate emergency services and waste collection vehicles. Details are to be confirmed on the plans prior to the issue of a Construction Certificate for the relevant stage of the development.</p> <p>Condition Reason: To ensure that access and manoeuvring remain functional at each stage of the development.</p>
15	<p>Haulage of fill</p> <p>Prior to release of the Construction Certificate the submission of 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:</p> <ul style="list-style-type: none"> • 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 and; • A procedure for monitoring the condition of the pavement during the haulage;

	<ul style="list-style-type: none"> Bond to guarantee public infrastructure is not damaged as a result of construction activity, and; <p>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.</p> <p>Condition Reason: To protect public infrastructure</p>
16	<p>Bollards to fire trail</p> <p>Removable bollards or similar shall be provided at each end of the fire trail to prevent regular vehicular access. The design shall permit pedestrian access along the fire trail at all times. Details are to be confirmed on the plans prior to the issue of the relevant Construction Certificates.</p> <p>Condition Reason: To ensure that the development does not result in traffic impacts that have not been properly assessed.</p>

BEFORE BUILDING WORK COMMENCES (C)

Condition	
1	<p>Service provider arrangements</p> <p>Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
2	<p>Notice of works commencement - public land</p> <p>A minimum of one (1) week's 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.</p> <p>Condition reason: To ensure that the development commences in an orderly manner and to protect public safety and the integrity of public infrastructure.</p>
3	<p>Tree protection fencing</p> <p>Tree protection fencing, compliant with AS 4970/2009 Protection of trees on development sites must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.</p> <p>Condition reason: To protect significant vegetation.</p>

DURING BUILDING WORK (D)

Condition	
1	<p>Copy of construction plans</p> <p>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 Certifier or an officer of the Council.</p> <p>Condition reason: To ensure that the development proceeds in accordance with the approved plans.</p>
2	<p>Swimming pool safety barrier</p>

	The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifier.
	Condition reason: To protect public health and safety.
3	Temporary swimming pool safety barrier
	Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other approved precaution taken so as to prevent entry of children into the pool.
	Condition reason: To protect public health and safety.
4	Swimming pool safety sign
	In accordance with the Swimming Pool Regulation a sign is to be erected and maintained that:
	(a) Bears a notice containing the words “This swimming pool is not to be occupied or used”, and
	(b) Is located in a prominent position in the immediate vicinity of that swimming pool, and
	Continues to be erected and maintained until an Occupation Certificate has been issued for the pool.
	Condition reason: To protect public health and safety.
5	Disposal of wastes
	Wastes including vegetation shall not be disposed of by burning.
	Condition Reason: To protect public health and safety and the environment.
6	Damage to existing tree to be retained
	Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer’s expense.
	Condition Reason: To protect public health and safety and the environment.
7	Pre-clearing inspection by consultant
	A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.
	Condition Reason: To ensure that the development does not have any unintended biodiversity impacts.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE (E)

Condition	
1	Bond securities release
	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.
	Condition Reason: To protect public infrastructure.
2	Swimming pool signage

	<p>Prior to the issue of the Stage 2 Occupation Certificate, the provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.</p> <p>Condition reason: To protect public health and safety.</p>
3	<p>Swimming pool safety</p> <p>The swimming pool shall be fenced in accordance with the Swimming Pools Act 1992 prior to the issue of the Stage 2 Occupation Certificate.</p> <p>Condition reason: To protect public health and safety.</p>
4	<p>Completion of works within the road reserve</p> <p>Prior to the issue of the Occupation Certificate provision to the Principal Certifier of documentation from Port Macquarie-Hastings 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.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
5	<p>Completion of plumbing works</p> <p>Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
6	<p>Certification of BASIX commitments</p> <p>Written confirmation being provided to the Principal Certifier from any 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.</p> <p>Condition reason: To ensure that BASIX commitments have been provided and the development achieves acceptable operating efficiencies.</p>
7	<p>Section 307 certificate for building works</p> <p>A Certificate of Compliance under the provisions of Section 307 of the <i>Water Management Act</i> must be obtained prior to the issue of any Occupation Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
8	<p>Completion of parking area</p> <p>Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.</p> <p>Condition Reason: To ensure that the development provides for practical and safe access and to protect the environment.</p>
9	<p>Certification of car parking areas</p> <p>Certification by a suitably qualified consultant is to be submitted to the Principal Certifier confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to the issue of the relevant Occupation Certificate.</p> <p>Condition Reason: To ensure that the development provides for practical and safe access and parking.</p>
10	<p>Drainage easements</p> <p>An appropriate drainage easement shall be created over the stormwater outlet on Lot 3 DP 1293093. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.</p>

	<p>The easement shall be approved by Council prior to lodgement at NSW Land Registry Services and evidence of registration shall be submitted to the Principal Certifier prior to any Occupation Certificate.</p> <p>This condition does not apply if the relevant part of Lot 3 DP 1293093 is dedicated as public reserve to Council prior to the issue of the first Occupation Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
11	<p>Electrical meter box heights</p> <p>All electrical meter boxes shall be placed at a level which is above 4.03m AHD. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority.</p> <p>Condition Reason: To protect public health and safety and building assets.</p>
12	<p>Survey of finished levels</p> <p>Prior to the issue of any Occupation Certificate, certification shall be provided from a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.</p> <p>Condition Reason: To protect public health and safety and building assets.</p>
13	<p>Drainage certification</p> <p>An appropriately qualified and practising consultant is required to certify the following:</p> <ol style="list-style-type: none"> all drainage lines have been located within the respective easements, and any other drainage structures are located in accordance with the Construction Certificate. all stormwater has been directed to a Council approved drainage system all conditions of consent/ construction certificate approval have been complied with. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
14	<p>Engineering certification of public infrastructure</p> <p>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 Certificate or release of the security bond, whichever is to occur first.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
15	<p>CCTV inspection of new stormwater infrastructure</p> <p>Prior to the issue of an Occupation Certificate, CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.</p> <p>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 acceptance of works into the nominated 'into maintenance period'.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
16	<p>Completion of landscaped areas</p> <p>Landscaped areas for each stage of the development shall be completed prior to the issue of the relevant Occupation Certificate. Public landscaping may be bonded as agreed to by Council.</p>

	Condition Reason: To ensure that the development positively contributes to the aesthetics and biodiversity values of the area.
17	Private waste collection arrangements
	Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifier that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
	Condition Reason: To ensure waste is managed appropriately so as it does not adversely impact on public health and the environment.
18	Satisfactory services certification
	Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Principal Certifier from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots and dwellings (including street lighting and fibre optic cabling where required).
	Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
19	Works as executed plans
	Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. 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 the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
	Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
20	Koala rope for swimming pool
	Prior to the issue of the Stage 2 Occupation Certificate, a stout rope (minimum 50mm diameter) shall be provided at the swimming pool, one end of which must be secured to a stable poolside fixture, the other end of which must trail in the pool at all times.
	Condition Reason: To ensure that the development is consistent with the Koala Plan of Management.
21	Load bearing capacity of fire trail
	Prior to the issue of any relevant Occupation Certificate, certification shall be provided confirming that the fire trail is capable of bearing loads of up to 43 tonnes.
	Condition Reason: To ensure that the development is consistent with the requirements of Transgrid for maintenance access to the adjoining easement.
22	Imported fill certification
	The owner/applicant 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 an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
	Condition Reason: To protect public health and safety.
23	Public right of access
	Prior to the issue of the Stage 3 Occupation Certificate, a public right of access shall be created over the concrete footpath within the perimeter fire trail and the pedestrian path connecting to College Drive at the southern end.
	Condition Reason: To ensure legal access for the public along the riparian corridor.

OCCUPATION AND ONGOING USE (F)

Condition	
1	Swimming pool filtration motor operating hours The swimming pool filtration motor shall be operated between the following hours only: <ul style="list-style-type: none"> Monday to Friday (other than a public holiday) 7.00 am – 8.00 pm Saturday to Sunday and Public Holidays 8.00 am – 8.00 pm The pool filtration motor shall be enclosed with an effective soundproof unit. Condition reason: To ensure that the development does not result in unacceptable noise impacts.
2	Stormwater quality management On completion of the stormwater water quality control device (SQID), the owner of the property is responsible for: <ul style="list-style-type: none"> Maintaining and keeping clear all components of and structures associated with the SQID in accordance with the maintenance plan so as to ensure the system achieves the nominated performance targets. Having the SQID inspected annually by a competent person. The Council shall have the right to enter upon the development lot, 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 landowner. Condition Reason: To ensure that appropriate infrastructure is provided and maintained to service the development.
3	Exterior lighting installation Any exterior lighting on the site shall be designed and installed 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 control of the obtrusive effects of outdoor lighting. Condition reason: To ensure that the development does not result in unacceptable lighting impacts.

LAND SUBDIVISION

BEFORE ISSUE OF A STRATA CERTIFICATE (G)

Condition	
1	Section 307 certificate for strata subdivision A Certificate of Compliance under the provisions of Section 307 of the <i>Water Management Act</i> must be obtained prior to the issue of any Strata Certificate. To ensure that appropriate infrastructure is provided to service the development.
2	Replacement of Charge Land Prior to the issue of the first Strata Certificate, written confirmation shall be obtained from Council that the developer has replaced the Charge Land in accordance with Clause 25A of the Sovereign Hills Estate Planning Agreement, and that the subject site is no longer required as security under that agreement.

	Condition Reason: To ensure that the development does not compromise the provisions of the Planning Agreement.
3	Payment of State Infrastructure Levy
	Prior to issue of any Strata Certificate, proof that the contribution towards designated State public infrastructure (if applicable) has been paid is to be submitted to the Principal Certifier.
	Condition Reason: To ensure that appropriate infrastructure is provided to service the development.