

Attachment A

Draft Conditions of Consent as at 11 July 2025

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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
	Sheet No 1	L	South Oxley East DA DA Stages 1 - 4 (+ Future) Development Site Analysis 1 of 2	Hopkins Consultants Pty Ltd	26 May 2025
	Sheet No 2	L	South Oxley East DA DA Stages 1 - 4 (+Future) Development Site Analysis 2 of 2	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 3	L	South Oxley East DA Staging, Roads and Lot Dims with Aerial Overlay 1 of 2	Hopkins Consultants Pty Ltd	26 May 2025	
Sheet No 4	L	South Oxley East DA Staging, Roads and Lot Dims with Aerial Overlay 2 of 2	Hopkins Consultants Pty Ltd	26 May 2025	

Sheet No 5	L	South Oxley East DA Zoning Plan & Lot Layout 1 of 2	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 6	L	South Oxley East DA Zoning Plan & Lot Layout 2 of 2	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 7	L	South Oxley East DA Asset Protection Zones with Aerial Overlay	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 8	L	South Oxley East DA Tree Removal & Core Koala Habitat	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 9	L	South Oxley East DA Earthworks, Erosion & Sediment Control Plan	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 1	A	South Oxley East DA Retaining Wall Plan	Hopkins Consultants Pty Ltd	9 July 2025
<u>Sheets 1 to 4</u>	<u>A</u>	<u>Retaining Walls Sections</u>	<u>Hopkins Consultants Pty Ltd</u>	<u>9 July 2025</u>
Sheet No 11	L	South Oxley East DA Road Typical Sections	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 12	L	South Oxley East DA Drainage Strategy	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 13	L	South Oxley East DA Water & Sewer Strategy	Hopkins Consultants Pty Ltd	26 May 2025

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Sheet No 14	L	South Oxley East DA Sewer Underbore with Aerial Image	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 15	L	South Oxley East DA Staged 1-4 Residual Lot Areas	Hopkins Consultants Pty Ltd	26 May 2025
Sheet No 1	D	South Oxley East Potential Tree Plantings Offsets and Street Trees	Hopkins Consultants Pty Ltd	17 September 2024

Approved documents			
Document title	Version number	Prepared by	Date of document
Statement of Environmental Effects	3.0	Hopkins Consultants Pty Ltd	18 June 2025
Road Traffic Noise Impact Assessment	1.0	SLR Consulting Australia Pty Ltd	27 October 2023
Biodiversity Development Assessment Report	6.0	WolfPeak Pty Ltd	26 May 2025
Draft Vegetation Management Plan	1.0	WolfPeak Pty Ltd	16 January 2025
Traffic and Access Assessment Report	R01_Final	Positive Traffic Pty Ltd	September 2023
Flood Impact and Risk Assessment	B	Advisian Worley Group	23 October 2023
Geotechnical Assessment	RGS20073.1-CD	Regional Geotechnical Solutions	7 September 2023
Arboricultural Assessment Report and Tree Protection Plan	-	Sky's The Limit Tree Services	14 June 2023

	Bushfire Assessment Report	-	Midcoast Building and Environmental	August 2023
<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.	<p>Certificates</p> <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">• Subdivision Works Certificate• Subdivision Certificate <p>Condition Reason: To ensure that appropriate building and subdivision certification is obtained.</p>			
3.	<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, andb. 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, andc. 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, andb. 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, orb. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6. <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>			
4.	<p>Staging</p> <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: Vegetation removal and bulk earthworks across the entire site, lots 1 to 30, residue lot and associated roads and infrastructure, northern access road			

	<p>connection to Carlie Jane Drive (including fauna underpass) and northwest water quality basin.</p> <ul style="list-style-type: none"> • Stage 2: Lots 60 to 82, residue lot and associated roads and infrastructure, and the northeast water quality basin. • Stage 3: Lots 120 to 152 and associated roads and infrastructure, southern access road connection (including fauna underpass) to Carlie Jane Drive and the southwest water quality basin. • Stage 4: Lots 190 to 215, residue lot and associated infrastructure. <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>
5.	<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>
6.	<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>
7.	<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>
8.	<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> <ul style="list-style-type: none"> • Department of Planning and Environment - Water - The General Terms of Approval, Reference IDAS-2024-10841 and dated 15 January 2025 are attached and form part of this consent. • NSW Rural Fire Service - The General Terms of Approval, Reference DA20241126004932-Original-1 and dated 10 January 2025 are attached and form part of this consent. <p>Condition Reason: To ensure that external State agency requirements are satisfied.</p>
9.	<p>Public foot paving</p> <p>The provision, at no cost to Council, of concrete foot paving shall be provided throughout the development. The design plans must be approved by Council pursuant to Section 138 of the Roads Act, as follows;</p> <ol style="list-style-type: none"> A 1.5m wide footpath (unless varied in writing by Council) is required along the full frontage of one side of all Access Places and Local Streets, with design details in accordance with AUSPEC and Council Standard drawings. A 1.5m wide footpath (unless varied in writing by Council) is required along the full frontage of both sides of all Collector Roads, with design details in accordance with AUSPEC and Council Standard drawings. All pedestrian and/or bicycle paths for the proposed development should provide appropriate connections to the surrounding network to encourage increased patronage and reduce car dependency. The design details are to be included in the plans submitted with the Subdivision Works Certificate application. <p>Condition Reason: To ensure that the development positively contributes to the public domain and accommodates pedestrians.</p>
10.	<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>
11. Intersection Works	<p>The new intersection works on Carlie Jane Drive are to include all relevant signage, line marking, drainage and street lighting (as required) in accordance with AS1158. The design plans for the intersection works shall comply with AUSTROADS guidelines for intersection design and AUSPEC standards, addressing all existing and potential traffic impacts resulting from the development. Any required road widening along the frontage of the development site shall be dedicated as public road to Council. Approval for construction works to be issued pursuant to Section 138 of the Roads Act, 1993.</p> <p>Condition Reason: To ensure public infrastructure works meet appropriate industry standards.</p>
12. Temporary Turning Heads	<p>Each road that terminates at a stage boundary shall terminate in a temporary sealed minimum 9m radius cul-de-sac with reflector posts at max 3m spacings, or alternatively the road shall be extended to the next tee-intersection or cul-de-sac head, to facilitate turnaround of trucks. If such a road or turning head is constructed</p>

	<p>as temporary, it shall be contained within the development residue lot and a Right of Access in favour of the Council registered over the whole manoeuvring area, until it is reconstructed to final standard and dedicated as public road reserve.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety</p>
13. Voluntary Planning Agreement	<p>The applicant is to comply with and perform the provision of the planning agreement entered into under the Act known as the First Deed of Variation to Sovereign Hills Estate Planning Agreement between Port Macquarie-Hastings Council and Sovereign Hills Project Pty Ltd, dated 18 June 2008; and Area 13 Environmental Land Management Agreement Sovereign Hills, between Port Macquarie-Hastings Council and Sovereign Hills Project Pty Ltd, dated 18 June 2008, in relation to the carrying out of the development the subject of this consent.</p> <p>Condition reason: To ensure commitments of planning agreements are fulfilled.</p>
14. Road Levels for flood mitigation	<p>All roads are to be constructed so that the lowest point of any road is at or above 8.65m AHD.</p> <p>Condition Reason: To ensure infrastructure is not adversely impacted by flood events and access is maintained to an acceptable standard.</p>
15. A012 - Advertising signage	<p>Separate development consent for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be obtained prior to the erection or display of any such signs.</p> <p>Condition Reason: To advise that any advertising signage may require separate development consent.</p>
16. Tree Retention	<p>Koala Food Trees on the subject land, as marked on the approved plan (Sheet 5802-44-0636 South Oxley East DA Tree Removal and Core Koala Habitat Issue L, dated 26 May 2025) shall be retained.</p> <p>Condition Reason: To protect the biodiversity and landscape values of the site.</p>
17. Environmental and Biodiversity Management	<p>The impact mitigation measures detailed on pages 150 to 164 in Table 33 of the Biodiversity Development Assessment Report prepared by Wolfpeak Pty Ltd, dated 26 May 2025 form part of this consent and shall be implemented at the respective stages throughout the development.</p> <p>Condition Reason: To protect the biodiversity and landscape values of the site.</p>
18. Protection of Trees and Vegetation on proposed Lot 152	

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	<p>All trees being retained or planted as offsets on proposed Lot 152 shall be maintained in perpetuity and are not permitted to be removed through provisions of any mechanism such as the 10/50 vegetation clearing scheme without the consent of Council. Any subsequent approval that may be granted by council for tree removal will require replacement at a ratio of 4:1 within areas of Core Koala Habitat or 2:1 in areas of Potential Koala Habitat as mapped in the Area 13 Koala Plan of Management.</p> <p>Condition Reason: To protect the biodiversity and landscape values of the site.</p>
19.	<p>Koala Educational awareness</p> <p>Appropriate promotional and educational measures shall be undertaken for the development in relation to dog ownership and koala habitat management.</p> <p>Condition reason: To ensure that the development does not have any unintended biodiversity impacts and remains consistent with the approved Koala Plan of Management applicable to the site.</p>

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BEFORE ANY CLEARING AND EARTHWORKS COMMENCE (B)

1.	<p>Pre-clearing Inspection and Approval by Ecologist/Koala specialist</p> <p>The clearing of native vegetation for the purpose of the development must not proceed until the area has been inspected and approval given in writing by a suitably qualified and/or accredited koala specialist. Approval to proceed with the clearing of native vegetation is only valid for the day on which the inspection has been undertaken.</p> <p>The suitably qualified ecologist/Koala specialist 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.</p> <ol style="list-style-type: none"> Clearing of native vegetation and/or earthworks as part of any development approval from Council must be temporarily suspended within a range of 25m from any tree which is concurrently occupied by a koala and must not resume until the koala has moved from the tree of its own volition. Any clearing of land must not commence until the area proposed for clearing has been inspected for the presence of koalas and approval given in writing by a suitably qualified individual. Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken. The individual referred to in (ii) above, or a nominated representative, must remain on site during any approved clearing of vegetation.
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	<p>e) Prior to any vegetation/clearing work Port Macquarie-Hastings Council shall be formally notified in writing at least 48 hours prior to clearing work commencing.</p> <p>f) Immediately prior to any vegetation/clearing work a pre-clearing survey shall be undertaken by a suitably qualified ecologist. The ecologist shall prepare a pre-clearing survey report and a copy provided to Port Macquarie-Hastings Council prior to any vegetation/clearing work commencing.</p> <p>g) During vegetation/clearing a suitably qualified ecologist shall be present onsite to undertake supervision and management of any fauna interactions. The ecologist shall prepare a report on any fauna interactions both during and post clearing. A copy of this report shall be provided to Port Macquarie-Hastings Council within fourteen (14) days from completion of the clearing work.</p> <p>Condition Reason: To ensure that the development does not have any unintended biodiversity impacts and remains consistent with the approved Koala Plan of Management applicable to the site.</p>
2.	<p>Tree protection fencing around trees</p> <p>Prior to any clearing or earthworks commencing trees to be retained are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009). The fence must:</p> <ul style="list-style-type: none"> a. Be located outside the dripline of the tree so as to minimise disturbance to tree roots; b. have a minimum height of 1.8 metres; c. be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets; d. have a minimum of 3 strands of steel wire or similar; e. have high visibility barrier mesh (eg orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter; f. include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009. <p>Activities typically excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material. If these activities are required within the TPZ they may only occur under the supervision of the project arborist (minimum AQF level 5 qualified arborist).</p> <p>The Tree Protection Zone (TPZ) exclusion fence is to be maintained for the duration of the site clearing, preparation, construction and landscaping works.</p> <p>Condition Reason: To protect the biodiversity and landscape values of the site.</p>
3.	<p>Biodiversity credits</p>

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Prior to commencement of any vegetation clearing the class and number of ecosystems credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any vegetation clearing.

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
3250-Northern Foothills Blackbutt Grassy Forest	130	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Northern Hinterland Wet Sclerophyll Forests This includes PCT's: 3063, 3069, 3094, 3115, 3144, 3152, 3155, 3167, 3170, 3179, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3285, 4109
3253-Northern Hinterland	11	Macleay Hastings,	Northern Hinterland Wet Sclerophyll Forests

	Grey Gum-Turpentine Mesic Forest		Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	This includes PCT's: 3063, 3069, 3094, 3115, 3144, 3152, 3155, 3167, 3170, 3179, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3285, 4109	
	4004-Northern Melaleuca quinquenervia Swamp Forest	24	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or	Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057	

	<p>The VMP must include all areas proposed for offset planting including the area of R1 zoned land within proposed Lot 152 that has been avoided and is to be protected under title restriction.</p> <p>The establishment period of planted trees must be no less than 3 months.</p> <p>The VMP must include a minimum of 5 years maintenance and monitoring of all planted trees and vegetation to be protected after establishment period.</p> <p>Condition reason: To ensure that the development does not result in significant adverse biodiversity impacts.</p>
5.	<p>Transgrid requirements</p> <p>Prior to any clearing or earthworks commencing in or around Transgrid assets, written evidence shall be obtained from Transgrid confirming consistency with their conditional approval letter dated 12 August 2024 and reference number 2024-282.</p> <p>Condition reason: To ensure no impact on public infrastructure and services.</p>
6.	<p>Soil and Water Management Plan</p> <p>Prior to commencement of any clearing or earthworks a detailed Soil and Water Management Plan (SWMP) prepared in accordance with Chapter 2 of Guidelines for Managing Urban Stormwater: Soils and Construction - Volume 1 i.e. the 'Blue Book'. The plan shall be submitted to and be approved by Port Macquarie-Hastings Council prior to any clearing or earthworks commencing. The following details are to be included in the plan:</p> <ul style="list-style-type: none"> • An Erosion and Sediment Control Plan (ESCP). • Key contact details and their responsibilities. • Inspection/monitoring and maintenance regime of controls. • Rectification protocol for controls not performing. • Details of revegetation measures. • Details of how the plan is to be implemented throughout the stages of the development. • The plan shall be a live document and include provisions for additional controls deemed necessary to address erosion and sediment control performance which can be shown through updates. • To assist in development of the ESCP refer to Guidelines for erosion and sediment control on building sites, prepared by Department of Planning, Housing and Infrastructure and dated October 2024. <p>Condition Reason: To prevent pollution and protect the environment.</p>

DURING CLEARING AND EARTHWORKS (C)

1.	<p>Protection of Koalas during vegetation clearing and earthworks</p> <p>The clearing of native vegetation and/or earthworks must be temporarily suspended within a range of 25m from any tree that is occupied by a koala and must not resume until the koala has moved from the tree of its own volition.</p> <p>Condition reason: To ensure that the development does not have any unintended biodiversity impacts and remains consistent with the approved Koala Plan of Management applicable to the site.</p>
2.	<p>E012 - Disposal of wastes</p> <p>Wastes including vegetation shall not be disposed of by burning.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
3.	<p>L011 - Stop work if AAboriginal objects discovered</p> <p>Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act 1974 may be required before work resumes.</p> <p>Condition Reason: To protect culturally significant places and items.</p>
4.	<p>Damage to existing tree to be retained</p> <p>Any damage to a tree nominated for retention/protection 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.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
5.	<p>Site clearing management</p> <p>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, shall certify in writing that clearing has occurred in accordance with the approved plans and conditions of this consent.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
6.	<p>Naturally occurring asbestos</p> <p>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 until a NOA management plan has been approved by Council or Workcover.</p>

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	Condition Reason: To protect public health and safety.
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SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE (D)

1.	<p>C002 - Public infrastructure works and AUSPEC</p> <p>Submission to the Council prior to the issue of a Subdivision Works Certificate of detailed design plans for the public infrastructure works associated with the development. 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.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2.	<p>C005 - 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 Subdivision Works Certificate. If a Subdivision Works Certificate application is lodged and determined, this may satisfy the Section 138 requirements of the Roads Act 1993.</p> <p>Such works include, but 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 • Functional vehicular access <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
3.	<p>C015 - Pavement Design and Compaction</p> <p>Prior to issue of Subdivision Works Certificate a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:</p> <ol style="list-style-type: none"> 1. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1

	<p>2. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1</p> <p>3. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
4.	<p>C018 - Corner splay</p> <p>The provision of 3m x 3m splay corners or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Subdivision Works Certificate.</p> <p>Condition Reason: To provide for appropriate and traffic sight distance and to positively contribute to the public domain.</p>
5.	<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"> earthworks that are more than 600mm above or below ground level (existing); and located within 1m of the property boundaries; or earthworks that are more than 1m above or below ground level (existing) in any other location; <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>
6.	<p>Utilities and services including Water and Sewer</p> <p>Before the issue of the relevant Subdivision Works 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. A letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity. <u>A letter from the Telecommunications authority confirming that satisfactory arrangements have been made for the installation and supply of Telecommunications.</u> <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>

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7.	<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> <ul style="list-style-type: none"> a) The legal point of discharge for the proposed development is defined as natural water course traversing the development site via suitable design end of line stormwater treatment systems. b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 5802-44-0636 prepared by Hopkins Consultants Pty Ltd and dated 17/05/2025. c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted. d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5 e) Provide structural certification that end of line basins including access roads required for servicing stormwater infrastructure, which are proposed within modelled 1% AEP flood extent are designed to withstand flood impacts up to and including the 1% AEP event. f) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7. g) Confirm existing stormwater infrastructure and end of line basin has capacity to accept additional stormwater catchments proposed along the western end of Road 01 connecting to Carlie Jane Drive. Where existing infrastructure is inadequate, detailed plans shall provide necessary upgrades or new works to treat all relevant proposed development catchments. h) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/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. i) 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. j) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. k) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
8.	<p>Minimum level for flooding</p> <p>Prior to the issue of a Subdivision Works Certificate, the following minimum finished levels shall be clearly illustrated on the plans:</p> <ul style="list-style-type: none"> (a) Roads and land - at or above 8.65m AHD.

	<p>Condition reason: To protect public health and safety and building assets.</p>
9.	<p>C017 - Haulage of fill</p> <p>Prior to release of the Subdivision Works 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> <ol style="list-style-type: none"> 1. 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; 2. Recommended load limits for haulage vehicles and; 3. A procedure for monitoring the condition of the pavement during the haulage; 4. 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>
10.	<p>Substations</p> <p>The location of electricity substations are to be clearly illustrated on the Subdivision Works Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.</p> <p>Condition Reason: To ensure public infrastructure works meet appropriate industry standards.</p>
11.	<p>Koala Plan of Management and Vegetation Management Plan</p> <p>The development must be carried out in accordance with the approved Vegetation Management Plan and the Area 13 Koala Plan of Management</p> <p>Condition Reason: To protect the biodiversity values of the site and ensure development is consistent with approved management plans.</p>
12.	<p>Roads and Fauna Management Corridors</p> <p>Detailed design for fauna fencing, fauna underpasses and traffic speed measures shall accompany the subdivision works certificate application. The designs must be prepared in consultation with a suitably qualified or accredited Koala specialist and address the provisions of clause 272 of Port Macquarie-Hastings Development Control Plan 2013.</p> <p>The detailed design shall be certified by the suitably qualified or accredited Koala Specialist. A copy of the certification shall support the application for the subdivision</p>

	<p>works certificate.</p> <p>The plans shall also demonstrate compliance with the roading provisions of the Area 13 Koala Plan of Management including signage, lighting, vehicle calming devices, koala fauna culverts under proposed roads and fauna fencing. The design plans need to ensure they facilitate koala passage requirements and include associated fauna fences either side of the roads to maximise potential for koala to use the culverts and not go around the fence.</p> <p>Condition Reason: To protect the biodiversity and landscape values of the site.</p>
13.	<p>Vegetation Management Plan (VMP) works</p> <p>Each subdivision works certificate application shall detail consistency with the approved VMP and clearly outline which components of the VMP form part of the subdivision works certificate application.</p> <p>Condition reason: To ensure that the development does not result in significant adverse biodiversity impacts.</p>
14.	<p>Fill certification</p> <p>Prior to the issue of a subdivision works certificate or any earthworks commencing (whichever occurs first) any soil placed and stockpiled onsite to be used for this development shall be tested and certified by a suitably qualified professional as being suitable for residential use.</p> <p>Condition reason: To protect public health and safety.</p>
15.	<p>Koala road design standards</p> <p>Road design standards and/or approved vehicle calming devices must be incorporated into the detailed subdivision design which address the following.</p> <ol style="list-style-type: none"> 1. Within the mapped core koala habitat area identified in the approved Area 13 Koala Plan of Management, such that motor vehicles are restricted to a maximum speed of 40km/hour along minor residential streets and 50km/hr on collector roads. 2. Within the mapped potential koala habitat area identified in the approved Area 13 Koala Plan of Management, such that motor vehicles are restricted to a maximum speed of 60km/hour. <p>Details demonstrating compliance with the above shall be clearly illustrated on the plans accompanying the subdivision works certificate application.</p> <p>Condition reason: To ensure that the development does not have any unintended biodiversity impacts and remains consistent with the approved Koala Plan of Management applicable to the site.</p>
16.	<p>Traffic Calming</p>

	<p>Prior to issue of a Subdivision Works Certificate, the applicant shall investigate and provide a report to Port Macquarie-Hastings Council as the local road authority, as to whether any traffic calming devices are required on Road 1 (along the eastern perimeter road), in accordance with Auspec and Austroads guidelines.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
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BEFORE SUBDIVISION WORK COMMENCES (E)

Condition	
1.	<p>K001 - Notice of works commencement</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>
2.	<p>▼</p>
3.	<p>D003 - Airport obstacle limitation surface</p> <p>A controlled activity approval shall be obtained 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, applicants should check with the airport operator at the earliest possible stage.</p> <p>Condition Reason: To protect public health and safety, building assets and the environment.</p>
4.	<p>Transgrid requirements</p> <p>Prior to any subdivision works commencing in or around Transgrid assets, written evidence shall be obtained from Transgrid confirming consistency with their conditional approval letter dated 12 August 2024 and reference number 2024-282.</p> <p>Condition reason: To ensure no impact on public infrastructure and services.</p>

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Prior to subdivision works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.¶
Condition Reason: To ensure that appropriate infrastructure is provided to service the development.

DURING SUBDIVISION WORK (F)

Condition	
1.	<p>L003 - Copy of construction plans</p> <p>A copy of the current stamped approved subdivision work 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>L011 - Stop work if Aboriginal objects discovered</p> <p>Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act 1974 may be required before work resumes.</p> <p>Condition Reason: To protect culturally significant places and items.</p>
3.	<p>Tree protection fencing</p> <p>The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 <i>Protection of trees on development sites</i> shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earthmoving works.</p> <p>Condition Reason: To protect public health and safety and the environment</p>
4.	<p>Naturally occurring asbestos</p> <p>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 until a NOA management plan has been approved by Council or Workcover.</p> <p>Condition Reason: To protect public health and safety.</p>
5.	<p>Construction noise levels</p> <p>Noise from construction activities (measure as the LAeq,15 min noise level) shall not exceed the background noise level (measured as the LA90 noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.</p> <p>Condition Reason: To protect public health from adverse noise.</p>
6.	<p>F005 - Imported fill certification</p> <p>The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).</p> <p>Condition Reason: To protect public health and safety.</p>

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LAND SUBDIVISION

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (G)

Condition	
1.	<p>Section 307 certificate for subdivision 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 Subdivision Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
2.	<p>F006 - Section 7.11 Development contributions</p> <p>Payment to Council, prior to the issue of a Subdivision Certificate 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 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.</p> <p>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>
3.	<p>Bond securities release</p> <p>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.</p> <p>Condition Reason: To protect public infrastructure.</p>
4.	<p>Completion of works within the road reserve</p> <p>Prior to the issuing of the Subdivision 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>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 a Subdivision 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>
6.	<p>Satisfactory services certification</p> <p>Prior to the issue of a Subdivision 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 (including street lighting and fibre optic cabling where required).</p> <p>Condition reason: To ensure that appropriate infrastructure is provided to service the development.</p>
7.	<p>Works as executed plans</p> <p>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.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
8.	<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>
9.	<p>Drainage easements</p>

	<p>Creation of drainage easement between lots (i.e. interallotment)</p> <p>Where stormwater pipelines traverse lots other than those which they benefit appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.</p> <ol style="list-style-type: none"> 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. Where easements are associated with a subdivision, the easement shall be established with the plan of subdivision and Section 88B instrument. Details to be submitted to Council prior to issue of Subdivision Certificate. <p>Where easements are not associated with a subdivision, the easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to any Occupation Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
10.	<p>CCTV inspection of new stormwater infrastructure</p> <p>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.</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 'maintenance period'.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
11.	<p>Stormwater overland flowpath management</p> <p>As part of the application for the Subdivision Certificate, details of a positive covenant to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to ensure the ongoing maintenance of the existing overland flowpath through Lot 151 shall be provided.</p> <p>The terms of the 88E instrument with positive covenant are to include, but not be limited to, the following:</p> <ol style="list-style-type: none"> The proprietor of the property shall be responsible for maintaining and keeping clear the overland flowpath / depression traversing the site, and culvert inlets. 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 overland flowpath; and recover the costs of any such works from the proprietor. 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 overland flowpath, or failure to clean, maintain and repair the overland flowpath and associated culvert inlet infrastructure.

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	Condition Reason: To ensure that appropriate infrastructure is provided and maintained to service the development.
12. Survey of floor levels	<p>The applicant will be required to submit prior to issue the Subdivision Certificate, certification by 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. Flood management and revised surface levels	<p>Prior to the issue of the Subdivision Certificate, the applicant shall submit to Council a digital copy of the modelled post development flood mapping to enable Council to update its mapped flood extents and Flood Planning Areas post construction. The mapping shall be provided licence-free to enable it to be utilised to update Council's publicly available flood mapping and flood extents, and to be used for future land use planning purposes. The mapped flood extents shall be provided in a digital format and at a minimum must include post development Flood FPL2 and FPL3 extent mapping in the form of a water surface level (geotiff format), plus an ESRI shapefile or .dwg of the FPL2 and FPL3 flood extents.</p> <p>Condition reason: To ensure that flooding impacts are appropriately managed into the future.</p>
14. F005 - Imported fill certification	<p>Prior to the issue of any Subdivision Certificate, certification is to be provided to Council demonstrating that any fill used is either VENM or ENM.</p> <p>Condition Reason: To protect public health and safety.</p>
15. M038 - Street lighting	<p>Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.</p> <p>Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:</p> <ol style="list-style-type: none"> 1. Forward all plans to the service provider for comment; 2. Include instruction for completion of 'Lighting Requirements'; 3. be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads; 4. Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>

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16.	<p>M042 - Payment of State Infrastructure Levy</p> <p>Prior to issue of any Subdivision Certificate, proof that the State Infrastructure Levy (if applicable) has been paid is to be submitted to the Principal Certifier.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
17.	<p>M044 - Geotechnical report</p> <p>The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report certifying construction of all earthworks as controlled fill in accordance with Council AUS-SPEC Standard and AS 3798. Such report to provide details of:</p> <ol style="list-style-type: none"> 1. The surface levels of the allotments created, filled or reshaped as part of the development. 2. Compaction testing carried out to Controlled Fill Standard as per AS 3798. 3. Standard penetration tests and calculated N values. 4. Bore logs 5. Site classification of all allotments in accordance with AS2870.2011 - Residential Slabs and Footings. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
18.	<p>Restrictions, easements and/or covenants</p> <p>The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.</p> <ol style="list-style-type: none"> a. Restriction as to user in respect of any lot which is less than 500mm above the 1 in 100 year flood height including the applicable climate change allowance requiring that the finished habitable floor level of any residential building is to be at least 500mm above the 1 in 100 year flood height including the applicable climate change allowance. b. Restriction on title advising that the keeping of domestic dogs is prohibited on proposed lots 124 to 130, 137 to 152, 198 to 202 within the mapped core koala habitat identified in the approved Area 13 Koala Plan of Management. c. Restriction on title of proposed lots 150 to 152 within the mapped core koala habitat identified in the approved Area 13 Koala Plan of Management advising that the preferred Koala food trees being retained are protected and shall not be removed. d. Restriction on title of proposed lots 150 and 151 clearly nominating the tree protection zones around the koala food trees being retained and specifying that any future dwellings shall be located outside of the tree protection zones. e. Restriction on title advising that, notwithstanding provisions of the Swimming Pools Act 1992, fencing on proposed lots 124 to 130, 137 to 152, 198 to 202

	<p>within the mapped core koala habitat identified in the approved Area 13 Koala Plan of Management must not inhibit the movement of Koalas by virtue of providing an average minimum ground clearance of 250mm.</p> <p>f. Restriction on title advising that any swimming pools to be installed on all lots must display a stout rope (minimum 50mm diameter), one end of which must be secured to a stable poolside fixture, the other end of which must always trail in the pool.</p> <p>g. Restriction on title of proposed Lot 152 and the residential portion of the residue lot specifying that all vegetation being retained and planted shall be protected in perpetuity and shall not be permitted for clearing under any mechanism such as 10/50 code.</p> <p>h. Restriction on title of proposed Lot 152 nominating the building envelope illustrated on the approved plans and specifying that any future dwelling shall only to be erected within the envelope.</p> <p>i. Restriction on title of the residential zoned portion of residue lot containing compensatory koala food tree plantings specifying that no further development of this portion is permitted.</p> <p>j. Restriction on title for each lot specifying the construction category for single storey and two storey dwellings on each lot in accordance with tables 8 and 9 of the Road Traffic Noise Impact Assessment prepared by SLR dated 27 October 2023.</p> <p>Details are to be submitted to Council prior to issue of the Subdivision Certificate.</p> <p>Condition Reason: To ensure that the development proceeds in accordance with the intent of the approval and does not have any unintended impacts.</p>
19.	<p>Roads and Fauna Management Corridors</p> <p>Upon practical completion and prior to issue of the relevant subdivision certificate, certification shall be provided from the suitability qualified or accredited Koala specialist confirming installation per the approved design drawings for the fauna fencing, underpasses and traffic speed measures.</p> <p>Condition reason: To protect the biodiversity and landscape values of the site.</p>
20.	<p>Vegetation Management Plan (VMP) compliance</p> <p>Prior to the issue of a subdivision certificate details shall be provided to the satisfaction of the certifying authority confirming obligations and commitments of the approved VMP have been undertaken.</p> <p>Condition reason: To protect the biodiversity and landscape values of the site by ensuring the development progresses in accordance with approved plans of management.</p>
21.	<p>Completion of Vegetation Management Plan Works</p> <p>Prior to the issue of the Subdivision Certificate for the final stage of the subdivision a report from a qualified and experienced ecologist and/or Bush Regenerator is required that clearly demonstrates that all works required by the approved</p>

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	<p>Vegetation Management Plan (VMP) for the site have been completed and that all performance criteria have been met.</p> <p>Condition Reason: To ensure that the development positively contributes to the aesthetics and biodiversity values of the area.</p>
22.	<p>Dedication of Environmental Management Land</p> <p>Prior to release of the first subdivision certificate timing for dedication of the Environmental Management Land to Port Macquarie-Hastings Council shall be established consistent with the provisions of the Environmental Land Planning Agreement.</p> <p>Condition reason: To ensure the development remains consistent with an executed Voluntary Planning Agreement.</p>