

PROPOSED DRAFT CONSENT CONDITIONS

NOTE: THESE ARE DRAFT ONLY

DA NO: 2025/97

DATE: 4 JUNE 2026

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition					
1	A001 - 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
	Drawing number 6849-029-001 Sheets 1 to 18	P	Woodlands North Subdivision Development site plans	Hopkins Consultants	28 May 2026
	Drawing number 6849-073-01 Sheets 1 to 5	A	Woodlands North Earthworks Stockpile DA	Hopkins Consultants	16 April 2025
	Drawing number 6849-L002-001 and 6849-L002-02	F	Landscape principles plan Stages 1-4	Hopkins Consultants	1 June 2026
	Job 10-XXX	C	Lot 56 dwelling site plan	MORR Constructions	30 April 2026
	Job 10-XXX	B	Elevations 2	MORR Constructions	17 April 2025
Job 10-XXX	B	Floor plan	MORR Constructions	17 April 2025	

	Job 10-XXX	B	Elevations 1	MORR Constructions	17 April 2025
Approved documents					
	Document title	Version number	Prepared by	Date of document	
	Environmental Impact Statement	4	Hopkins Consultants Pty Ltd	28 May 2026	
	BASIX Certificate	1778981S	MORR Constructions	20 December 2024	
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.					
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.					
2	A002 - Certificates 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: • Construction Certificate for dwelling on proposed Lot 56; • Occupation Certificate for dwelling on proposed Lot 56; • Subdivision Works Certificate; and • Subdivision Certificate Condition Reason: To ensure that appropriate building and subdivision certification is obtained.				
3	A003 - Notification of Home Building Act 1989 requirements 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— a. for work that requires a principal contractor to be appointed— i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the <i>Home Building Act 1989</i> , Part 6, b. for work to be carried out by an owner-builder— i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i> ---- 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 <i>Building Code of Australia</i> under the Act, Part 6.				

	Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
4	A005 - Erection of signs 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 - 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 - 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 - 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 <i>Building Code of Australia</i> under the Act, Part 6. Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
5	Planning Agreement The applicant is to comply with and perform the provision of the planning agreement entered into under the Act known as Area 15 Planning Agreement, between parties PMHC and Laurieton Lifestyle Resort Pty Ltd which was executed on 2 March 2012. This agreement relates to road contributions, intersection works, open space contributions and environmental management lands. The requirements shall be complied with at all applicable stages of the carrying out of the development. Such requirements include, but are not limited to addressing contributions. Condition reason: To ensure commitments of planning agreements are fulfilled.
6	A006 - Fulfilment of BASIX commitments It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled - 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

7	A007 - Staging The development must only proceed in accordance with the approved stages as set out on the approved Drawing 6849-029-003 dated 30 April 2026. 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. Condition Reason: To set out how the development can be staged.
8	A008 - Public works and utility services alterations 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. Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations.
9	A009 - Construction site management The development site is to be managed for the entirety of work in the following manner: 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. Any stockpiles should be seeded within 1 month after establishment of each nominal 20m section to help mitigate the risk of long-term storage does not result in erosion and sedimentation contamination to adjacent sensitive receivers (Coastal Wetlands and Conservation Land) and to assist in dust suppression. 3. Appropriate dust control measures; 4. 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; 5. Building waste is to be managed via appropriate receptacles into separate waste streams; 6. 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. 7. Building work being limited to the following hours, unless otherwise permitted by Council; • Monday to Saturday from 7.00am to 6.00pm • No work to be carried out on Sunday or public holidays The builder to be responsible to instruct and control his sub-contractors regarding the hours of work. 8. All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority. 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.

10	A010 - AUSPEC Specifications The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications. Condition Reason: To ensure public infrastructure works meet appropriate industry standards.
11	A011 - General Terms of Approval (State Authority) 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: • NSW Rural Fire Service - The Bushfire Safety Authority, Reference DA20250228000760-S38-3 and dated 2 March 2026. • Department of Climate Change, Energy, the Environment and Water - Water Group - The General Terms of Approval, Reference IDAS-2025-10154 and dated 6 March 2026. Condition Reason: To ensure that external State agency requirements are satisfied.
12	A014 - Public foot paving 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; a. 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. b. A 2.5m wide footpath (unless varied in writing by Council) is required on all Collector Roads, with design details in accordance with AUSPEC and Council Standard drawings. c. 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. Condition Reason: To ensure that the development positively contributes to the public domain and accommodates pedestrians.
13	A015 - Bonds The applicant shall provide security to the Council for the payment of the cost of the following: 1. Making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates, 2. 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,

	3. Remedying any defects in any such public work that arise within twelve (12) months after the work is completed. Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993. The security is to be for such reasonable amount as is determined by 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: i. deposit with the Council, or ii. an unconditional bank guarantee in favour of the Council. The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995. Condition Reason: To specify the monetary bond required to be paid to protect public infrastructure from damage or defects.
14	Intersection Works The new Intersection Works relating to Link Road A and Lake Ridge Drive, as defined in the Area 15 Planning Agreement, 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. Condition Reason: To ensure public infrastructure works meet appropriate industry standards.
15	Temporary Turning Heads 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 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. Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.
16	Decommissioning of Onsite Sewage Management System Prior to the completion of any stages, all components of the onsite sewage management system, including all tanks, pipes and trenching is to be removed.

	Condition Reason: to protect public health and safety. To protect property.
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DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition	
17	J001 - Construction hoarding fence Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works for demolition of the existing residence in the proposed Lot 23/Stage 2 area. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council. Condition Reason: To protect public safety and the integrity of public infrastructure.
18	P010 - Demolition site and asbestos management The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: <i>The Demolition of Structures</i>. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence. Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – <i>Code of Practice for Safe Removal of Asbestos</i> and <i>Code of Practice for the Management and Control of Asbestos in Workplaces</i>. Condition Reason: To protect public health and safety.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE FOR THE LOT 56 DWELLING

Condition	
19	Lot 56 to be registered prior to issue of a Construction Certificate Prior to the issue of a Construction Certificate, evidence shall be provided to the Principal Certifying Authority the proposed Lot 56 has been registered with NSW Land Registry Service. In the event the registered lot size and shape is different to that shown on the approved development application plans or an easement has been placed on the property and the development does not comply with the easement requirements, a s4.55 modification of consent or new development application will be required.

	Condition Reason: To ensure that the development proceeds in accordance with the approved plans.
20	B002 - Plumbing permit 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: • 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.
21	B005 - Works in road reserve permit 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 not be limited to: • Civil works • Traffic management • Work zone areas • Hoardings • Concrete foot paving • Footway and gutter crossing • Functional vehicular access Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval. Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.
22	B022 - Bushfire Attack Level The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifier with the application for Construction Certificate demonstrating compliance with this requirement. Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia. Condition Reason: To protect public safety and building assets.
23	B033 - Minimum Floor Levels for flooding

	Prior to the issue of a Construction Certificate, the following minimum finished floor levels for the Lot 56 dwelling shall be clearly illustrated on the plans: • Minimum finished floor level (FFL) of 7.4 m AHD, which comprises the 1% AEP flood level plus climate change allowance and an additional 500 mm freeboard. Condition reason: To protect public health and safety and building assets.
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BEFORE BUILDING WORK COMMENCES

Condition	
24	D004 - Service provider arrangements Prior to 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.
25	Notice of works commencement 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. Condition Reason: To ensure that the development commences in an orderly manner and to protect public safety and the integrity of public infrastructure.
26	Soil and Water Management Plan Prior to commencement of 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: • 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. Condition Reason: To prevent pollution and protect the environment.
27	D010 - Tree protection fencing Tree protection fencing, compliant with AS 4970/2009 Protection of trees on development sites must be provided when working withing Tree Protection Zones. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works. Condition Reason: To protect significant vegetation.
28	L011 - Stop work if aboriginal objects discovered 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. Condition Reason: To protect culturally significant places and items.

DURING BUILDING WORK

Condition	
29	E003 - Copy of construction plans 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. Condition Reason: To ensure that the development proceeds in accordance with the approved plans.
30	F005 - 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). Condition Reason: To protect public health and safety.
31	Disposal of wastes

	Wastes including vegetation shall not be disposed of by burning. Condition Reason: To protect public health and safety and the environment.
32	A027 - Tree retention All trees on the subject land, as marked on the approved plans, shall be retained. Condition Reason: To protect the biodiversity and landscape values of the site.
33	L013 - 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.
34	L016 - Tree protection fencing The capacity and effectiveness of tree protection fencing, compliant with <i>AS 4970/2009 Protection of trees on development sites</i> shall be always maintained in accordance with the approved management plan until such time as the site is no longer subject to any construction or earthmoving works. Condition Reason: To protect public health and safety and the environment.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE FOR PROPOSED LOT 56 DWELLING

Condition	
35	F001 - Bushfire risk measures installed Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment requirements per condition 22 of this consent are to be provided to the Principal Certifier. Condition Reason: To protect public health and safety.
36	F020 - Completion of works within the road reserve Prior to occupation or the issuing 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. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.

37	F031 - Section 68 Certificate of Completion Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council for each S68 Approval related to this development. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
38	F035 - Certification of BASIX commitments 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. Condition Reason: To ensure that BASIX commitments have been provided and the development achieves acceptable operating efficiencies.

LAND SUBDIVISION

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

39	B032 - Landscaping plans Prior to release of the Subdivision Works Certificate submission of an updated landscape plan to the Principal Certifier. The plans shall include details of adjustment to layout of the proposed street tree planting relative to the approved subdivision layout Revision P. Condition Reason: To positively contribute to the aesthetics and biodiversity of the area.
40	Fencing along access handle Prior to issue of a Subdivision Works Certificate, the works plans shall include details of 1.8m height fencing along the full length of the access handle for proposed Lot 10 with a stepped down height on either side of access handle down to 1.2m at the front boundary starting from a 4.5m setback. Condition Reason: The provide an acceptable level of amenity for future dwellings.
41	Substations 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. Condition Reason: To ensure public infrastructure works meet appropriate industry standards.
42	Corner splays The provision of 3m x 3m splays, or otherwise agreed to by Port Macquarie-Hastings Council, are required on all street corners. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Subdivision Works Certificate.

	Condition Reason: To provide for appropriate and traffic sight distance and to positively contribute to the public domain.
43	Retaining walls Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting: i. earthworks that are more than 600mm above or below ground level (existing); and located within 1m of the property boundaries; or ii. earthworks that are more than 1m above or below ground level (existing) in any other location; are to be submitted to the Principal Certifier with the application for Subdivision works Certificate. Condition Reason: To ensure retaining walls have structural integrity.
44	Pavement Design and Compaction Prior to the issue of any relevant 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 accepted pavement compaction testing criteria are as follows: a) 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1 b) 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1 c) 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). Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
45	A026 - Road Levels for flood mitigation All roads are to be constructed so that the lowest point of any road is at or above FPL2 or the highest adjacent flood level as defined in Area 15 Flood Study (Worley Parsons - 2011). Condition Reason: To ensure infrastructure is not adversely impacted by flood events and access is maintained to an acceptable standard.
46	C002 - Public infrastructure works and AUSPEC 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.

	Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.
47	019 - Stormwater drainage design A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Subdivision Works 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: 1. The legal point of discharge for the proposed development is defined as on-site disposal via suitably designed end of line treatments prior to out letting upstream to watercourses, and/or natural gullies. 2. The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6849-029-008 prepared by Hopkins Consultants Pty Ltd. 3. All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted. 4. The design requires the provision of interallotment drainage in accordance with AUSPEC D5 5. The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7. MUSIC modelling shall be provided demonstrating compliance to AUSPEC D7 requirements. 6. Detailed stormwater plans and modelling shall demonstrate how existing natural runoff from private properties/ catchment areas to the west of the development lot will be managed without impacting proposed road 3 and associate stormwater infrastructure. 7. 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. 8. Detailed hydraulic modelling shall be provided confirming proposed road 3 and associated culvert infrastructure does not increase local overland flow levels up to and including the 1% AEP critical duration storm event. 9. 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. 10. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
48	B051 - Utilities and services including Water and Sewer Before the issue of the relevant Subdivision Works Certificate, written evidence of the following service provider requirements must be provided: 1. A response from Council as a Water Authority as to whether plans accompanying the application for Subdivision Works Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.

	Condition Reason: To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.
49	Acid sulfate soils and ground water management A detailed ASS management and ground water management plan are required to be submitted with the application for Subdivision Works Certificate relating to the particular stage for potential disturbance of acid sulfate soils and address ground water conditions in Unit C per Section 382 of Development Control Plan 2013. Proposed excavations in Terrain Unit C and adjoining areas are to be assessed for potential impacts on groundwater and ensure reactive and sodic soils are managed during, and post, development phases. Condition Reason: To protect public health and safety and the environment.
50	Public local park A local public park is to be provided as part of Stage 4 in accordance with the requirements of the approved plans. The park is to have a minimum area of 1,500m² and be connected by pedestrian and cycle infrastructure. Details of park embellishments to the satisfaction of Council are to be submitted with the application for Subdivision works Certificate. Condition reason: To provide public amenities for recreational enjoyment.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition	
51	N006 - Section 7.11 Development contributions Prior to the release of the Subdivision Certificate for any stage of the development, payment to Council, 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: • 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 The plans may be viewed on Council's website. 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. 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.
52	M033 - Section 307 certificate for subdivision works Prior to the release of the Subdivision Certificate for any stage of the development, a Certificate of Compliance under the provisions of Section 307 of the <i>Water Management Act</i> must be obtained. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
53	M023 - Interallotment drainage construction Prior to the release of the Subdivision Certificate for any stage of the development, interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided: • As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or • As part of a Subdivision Works Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
54	M025 - Drainage easements Prior to the release of the Subdivision Certificate for any stage of the development, creation of drainage easement between lots (i.e. interallotment). 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. 1. 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. 2. 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. 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.

	Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
55	M028 - CCTV inspection of stormwater Prior to the release of the Subdivision Certificate for any stage of the development, and prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05. A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'. Condition Reason: To protect public infrastructure.
56	M032 - Engineering certification of public infrastructure Prior to the release of the Subdivision Certificate for any stage of the development or release of the security bond, whichever is to occur first, all works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC . Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
57	M033 - Positive covenant Stage 2 lot water quality controls Concurrent with the issue of a Subdivision Certificate for the proposed Stage 2 lot as Manufactured Housing Estate, a positive covenant is to be created requiring the owner(s) of the proposed lot to provide private owned and maintained water quality controls compliant with AUSPEC D7 for any future development on the allotment. The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
58	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.
59	Completion of works within the road reserve Prior to the issuing of the Subdivision Certificate for any stage of the development, 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. Condition reason: To ensure that appropriate infrastructure is provided to service the development.
60	Engineering certification of public infrastructure Prior to the issuing of the Subdivision Certificate for any stage of the development or release of the security bond, whichever is to occur first, all works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
61	Satisfactory services certification Prior to the issue of a Subdivision Certificate for any stage of the development, 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). Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
62	Works as executed plans Prior to the issue of a Subdivision Certificate for any stage of the development, 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.
63	Connection to Public Road Network Prior to the release of the Subdivision Certificate for any stage of the development, a public road connection via Link Road A and B, as defined in the Area 15 Planning Agreement to Lake Ridge Drive is to be constructed in accordance with Auspec Geometric Road Design and Austroads standards. Dedication to Port Macquarie-Hastings Council of this public road connection is required with the first subdivision certificate of the development. Condition Reason: To ensure that appropriate infrastructure is provided to service the development.
64	N043 - Restrictions, easements and/or covenants Prior to the release of the Subdivision Certificate for any stage of the development, 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.

	a. Prohibiting the erection of buildings on land which is at or below the 100 year flood event including the applicable climate change allowance. The limit of this design flood must be defined on the plan of subdivision. b. 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. Condition reason: To ensure that the development proceeds in accordance with the intent of the approval and does not have any unintended impacts.
65	S055 - Flood management and revised surface levels Prior to the issue of the Subdivision Certificate for any stage of the development, the applicant shall submit to council a digital copy of the finished site surface levels to enable council to update its mapped flood extents and Flood Planning Areas post development. The data shall be provided free of intellectual property restrictions. Condition reason: To ensure that flooding impacts are appropriately managed into the future.
66	Crown lands transfer Prior to the issue of the Subdivision Certificate for any stage of the development, as relevant, proposed Roads 2 and 3 to the extent required to service the stage or stages to be released are to be constructed and dedicated from being Crown Land to Council as part of the subdivision works at relevant stages. Details are to be submitted with the application for Subdivision Works Certificate. Condition reason: To ensure that appropriate infrastructure is provided to service the development.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully. The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

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

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

Dictionary

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

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

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

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

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

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

Council means Port Macquarie-Hastings Council

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

Sydney district or regional planning panel means Northern Regional Planning Panel

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