

FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2019/945

DATE: 17/09/2021

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Architectural Plans	2019-154 DA001 Issue I, DA003 Issue O, DA004 Issue M, DA010 Issue G, DA012B Issue F, DA013 Issue D	i2C	26 May 2021
Architectural Plans	2019-154 DA002 Issue D, DA006B Issue A	i2C	29 May 2020
Architectural Plans	2019-154 DA005 Issue D, DA006 Issue F, DA007 Issue E, DA008 Issue D, DA009 Issue D, DA011 Issue G, DA012 Issue E, DA012A Issue B	i2C	20 April 2021
Civil Works Plan	7200-0014-002 Rev D	Hopkins Consultants	7 June 2021
Civil Concept Plans - Highway Works	7200-0016-001 to 7200-0014-008 Rev C	Hopkins Consultants	15 October 2019
Landscape Plan	5261 0001, 0002 Rev D	Land Dynamics Australia	18 June 2021
Biodiversity Development Assessment Report	Rev 5	Biodiversity Australia	10 November 2020

Addendum Ecological Assessment	-	WolfPeak Pty Ltd	3 August 2021
Waste Management Plan	Waste Management Plan	Scott PDI No. 6 Pty Ltd	26 April 2021
SEPP Assessment 33	HMC2018.013.02 a	HMC Environmental Consulting Pty Ltd	July 2020
Bushfire Assessment	-	Midcoast Building and Environmental	June 2020
Acoustic Assessment	M17758.01B	Matrix Thornton	20 July 2020
Cover Letter RTN Report	M17758.03	Matrix Thornton	20 July 2020
Traffic Impact Assessment	9486R7622C.DO C	TTM Consulting (Vic) Pty Ltd	7 December 2020
Statement of Environmental Effects	-	Hopkins Consultants	December 2019
Lighting Assessment	-	Light Harmony	25 February 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) 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. 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;
 - 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.

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the 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.

- (8) (A062) Prior to connection of the land to Council's sewer, the applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre-treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (9) (A195) The ameliorative measures detailed on pages 50-54 of the Biodiversity Development Assessment Report for Proposed Highway Service Centre on Part Lot 11 DP1029846, Oxley Highway, Sancrox, prepared by Biodiversity

Australia, dated 10 November 2020, form part of this consent and shall be implemented at the respective stages throughout the development.

- (10) (A196) Prior to any vegetation/clearing work commencing Port Macquarie-Hastings Council shall be formally notified in writing at least 48 hours prior to clearing work commencing.
- (11) (A197) The following biosecurity controls shall be implemented at the relevant stages of the development:
 - a) Under the NSW *Biosecurity Act 2015*, weeds identified as priority weeds in the north coast region (see link <https://weeds.dpi.nsw.gov.au/WeedBiosecurities?Areald=107>) should be managed according to their biosecurity duty and the control measures described. This must be done two weeks prior to commencing earthworks. Weed monitoring and control must continue throughout the development phase to ensure that weeds do not establish and spread on the site.
 - b) As a part of general site management all plant and machinery involved in earthworks and vegetation control should arrive and leave clean. The DPI decontamination guide is the best practice http://www.dpi.nsw.gov.au/data/assets/pdf_file/0010/545554/procedure-decontamination-vehicles-and-equipment.pdf
 - c) To reduce the likelihood of spreading weeds - Work zones on the site must be identified and fencing or flagging tape used to delineate no-go areas.
- (12) (A198) The developer shall comply with all obligations in the 1179 Oxley Highway, Sancrox Planning Agreement dated 24 July 2019 between Port Macquarie Hastings Council, Scott PDI No.6 Pty Ltd and Margaret Mary Hore.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) 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
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development, generally in accordance with civil concept plans 7200-0016-001 Rev C prepared by Hopkins Consultants, or as modified to meet the requirements of the TfNSW Works Authorisation Deed (WAD).
 2. New roads within the development.
 3. Earthworks, including filling of the land for flood protection.

4. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 5. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.
 6. Retaining walls.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 10. Traffic management control plans.
 11. Detailed intersection layouts at the junctions of public roads in accordance with the current version of the AUSTRROADS guidelines for Intersection design, giving particular attention to sight distance.
 12. The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.
- (3) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of the Subdivision Works Certificate such details are to be illustrated on the submitted plans.

Road Name	Road Reserve (Carriageway)	Road Category
Public Road south of the new Billabong Drive Roundabout	20m (13m or on merit)	Commercial

- (4) (B005) Approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development. For consideration of this approval, Council will require, but is not limited to, the following supporting documentation:
- The make and model of the proposed treatment facility with documentation showing the facility is suitable and capable;
 - A detailed design showing the hydraulic layout of the entire on-site sewage management (OSM) system;
 - Details of the proposed installer and evidence of their OSM system installation experience;
 - Specifications, layout and details of how trade waste from the different outlets entering the system will be managed;

- A plan of management for the ongoing maintenance and servicing of the OSM system including emergency response and notification procedures;
- Details of wastewater production metering/monitoring;
- Details and plans of proposed earthworks supporting their conformance with the provided Wastewater Report and design.
- Details of mitigation/management measures sufficient to contain effluent within the site in the event of system failure.

- (5) (B006) 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.

- (6) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.
- (7) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 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:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. 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.

- (8) (B011) Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a

cash contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

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

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

- (9) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (10) (B030) Prior to issue of Subdivision Works Certificate or Construction 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:
- 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).
- (11) (B031) The application for the Construction Certificate is to be accompanied by an execution of a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW) or evidence of agreement from TfNSW that no WAD is required.
- (12) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;

- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

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.

- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B088) Prior to commencement of any vegetation clearing or issue of a Construction Certificate, whichever occurs first, 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 or issue of a Subdivision Works Certificate or Construction Certificate, whichever occurs first.

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
1569-Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	65	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 kilometres of the outer edge	North Coast Wet Sclerophyll Forests This includes PCT's: 487, 613, 661, 684, 686, 692, 693, 694, 695, 699, 747, 748, 752, 812, 826, 827, 1073, 1208, 1217, 1222, 1237, 1244, 1245, 1257, 1259, 1260, 1261, 1265, 1266, 1282, 1284, 1285, 1504, 1561, 1562, 1563, 1566, 1567, 1568, 1569, 1572, 1573,

		of the impacted site.	1575, 1579, 1841, 1843, 1915
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¹Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

- (15) (B195) Council's water main shall be extended from the intersection of Billabong Drive and Oxley Highway to service the development at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.
- (16) (B197) The existing water trunk main which runs along the northern boundary of the development lot shall be reconstructed to accommodate finished surface levels of the site. Details are to be shown on the construction plans to the satisfaction of Council prior to the issue of a Construction Certificate. If the alignment of the reconstructed water main is outside the current easement a new/widened easement shall be created to the satisfaction of Council, prior to the issue of any Section 307 Certificate of Compliance.
- (17) (B198) Prior to the issuing of the Construction Certificate, details of the following shall be submitted to Council for approval:
- Detailed specifications and plans of the filling points, fuelling areas, under canopy areas and canopy, including canopy overhang, bunding and gradient.
 - Detailed specifications and plans of the Underground Petroleum Storage Systems (UPSS) demonstrating compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, associated guidelines and Australian Standard AS 4897-2008. The detailed specification shall be prepared by a suitably qualified person for the purposes of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 and associated guidelines.
 - Stormwater management for the site including:
 - the under canopy areas,
 - all filling points,
 - the forecourt areas,
 - on-flow/up-gradient stormwater diversion around bunded areas,
 - stormwater treatment, disposal, including maintenance and ongoing monitoring.
 - Concrete bunds and drains shall be used to divert stormwater away from the contamination area into the clean stormwater system, and to channel runoff from the contamination area to the treatment device(s). The sizing and effectiveness of the bunds and oil separation system shall be verified for all storms up to and including 100 year ARI. Prior to the issuing of the Construction Certificate, Detailed plans shall be provided to and approved by Council as part of the Section 68 and Section 138 applications.
- (18) (B199) Gravity sewer main shall be constructed from the development site to the northern side of the Oxley Highway for future connection to reticulated sewer at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.
- (19) (B200) Prior to the issue of a Construction Certificate, amended plans of Pylon Signs A & B shall be submitted for the approval of the Principal Certifying Authority. The amended plans shall include:

- a) A maximum pylon sign height of 15m above finished ground level for both signs;
 - b) Pylon Sign A shall be single-sided with all business identification signs oriented to the south;
 - c) No increase in the width of the pylon or changes to the general design of the structure.
 - d) Separate fuel pricing signs (one for each access road) may be permitted where they have a maximum height of 5m and are located a minimum of 40m on the development side of the pylon signs.
- (20) (B201) Prior to the issue of a Construction Certificate, an amended Waste Management Plan shall be submitted for the approval of the Principal Certifying Authority. The amended Plan shall be generally in the format of the approved document, and include details of waste volumes and waste streams for all construction and operational waste.
- (21) (B202) Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted for the approval of the Principal Certifying Authority. The amended plan shall be consistent with the layout on the approved architectural plans, and confirm that all trees within the parking areas will be advanced plantings with a minimum height of 2m at planting.
- (22) (B203) Prior to the issue of a Construction Certificate, a public art strategy to the value of 1% of the construction cost of the development shall be determined, as follows:
- The developer shall establish a public art committee with representatives from the developer, and Council.
 - The committee shall, in consultation with relevant stakeholders, determine the concept theme, components/type and location for the proposed public art infrastructure. The public art must be located within the site in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage. Public art in the Oxley Highway roundabout could be considered with the consent of Transport for NSW.
 - The committee shall invite expressions of interest from three agreed artists with demonstrable experience in the creation of public art infrastructure in regional centres.
 - The committee will review expressions of interest from the three agreed artists make a recommendation to Council containing details of the preferred artist, a concept presentation of the proposed public art infrastructure and the preferred location(s) for its' installation.
- (23) (B205) Prior to any works commencing a Vegetation Management Plan (VMP) shall be submitted and approved by Council. The VMP shall provide detailed specifications with minimum requirements as set out in the guidelines for preparation of Vegetation Management Plans on Council's website. The VMP shall include planting of Koala Food Trees (KFT), nest box installation and or mid storey compensatory planting to provide habitat and account for the loss of hollows as no suitable locations are available to install the required number of nest boxes, details of fauna fence, fauna culverts and maintenance thereof. The VMP shall include a full list of flora species removed for the works, and provide for rehabilitation of all disturbed areas. The species list is to be developed from the same native species that have been removed. The planting shall be from local provenance where all plants are grown from seed collected from healthy plants growing near to and in similar environmental conditions as the planting site, which gives new plants the best chance of

survival. The rehabilitation shall be completed to Council's satisfaction in accordance with the approved VMP prior to the issue of the Occupation Certificate. The VMP shall be written to include the minimum requirements of the template and include details of the following:

- a) 186 KFT are required to be planted in association with the clearing to facilitate this project footprint. At initial project establishment phase plantings are to occur in locations outside of the effluent treatment and irrigation area and may include a secure off-site location agreed to by Council. The overall landscape concept plan (Land Dynamics) provides guidance on planting locations. The landscape plan only meets approximately 45% of the required planting volumes (approximately 80 trees are shown). Plantings of KFT to occur at 8-10m centres. The number of KFT plantings may be reduced in the event that clearing in the adjoining road reserves is carried out by Transport for NSW for road related purposes prior to the development commencing.
- b) If a secure off-site location is not utilised to meet the full offsetting obligation above, the 3ha effluent treatment and irrigation area are to be remediated to allow for planting out with KFT upon the connection of the development to the PMHC sewer network. KFT to be planted at 8-10m centres. The rehabilitation of the effluent treatment once decommissioned is to account for the trees that were unable to be planted at the project development stage. All available planting space is to be utilized, even if this exceeds the original 186 KFT required, as this will counteract the inability to have planted all the KFT at the project establishment phase and delay in delivering local compensatory habitat.
- c) Required nest boxes are to be inserted on trees within the site footprint to the greatest extent practicable. Additional trees may be planted during development of the site and utilised when possible for nest box placement. No nest boxes are to be installed in the Pacific Highway or Oxley Highway road reserve. Nest boxes can be established in the adjoining retained vegetation with the consent of the relevant landowner.
- d) Mid storey compensatory planting in between KFT to provide habitat and account for the loss of hollows if no suitable locations are available to install the required number of nest boxes.
- e) Fauna fence is to link to the existing fauna movement culvert present at the Pacific Highway at the southern extent of the project. Fauna fence is to be present at property boundary and Pacific Highway interface on the eastern extent of the site, guiding any potential terrestrial fauna towards to the fauna culvert. The fauna fence is to be constructed between the offset planting area and the Service Centre to prevent fauna interaction with the site. Fauna fencing is to be continuous across the site, with no gaps and the specifications for maintenance including vegetation management around the fauna fence to be included in the VMP.
- f) The highway service centre southern off ramp is to provide for connection to the existing fauna culvert under the Pacific Highway. This is to occur via a like-sized culvert structure that matches the dimensions and characteristics of the existing fauna culvert. The VMP shall include planting specifications to create habitat to link the culvert.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) 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.

- (2) (C003) 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.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C195) At the commencement of construction and in perpetuity the land to a distance of 25m to the north and east from the highway service centre buildings, 12m to the west, and 8m to the south shall be maintained as an inner protection area in accordance with the requirements of Planning for Bush Fire Protection 2019.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a) prior to commencement of site clearing and installation of erosion control facilities;
 - b) at completion of installation of erosion control measures
 - c) at completion of installation of traffic management works
 - d) at the commencement of earthworks;
 - e) before commencement of any filling works;
 - f) when the sub-grade is exposed and prior to placing of pavement materials;
 - g) when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - h) at the completion of each pavement (sub base/base) layer;
 - i) before pouring of kerb and gutter;
 - j) prior to the pouring of concrete for sewerage works and/or works on public property;
 - k) on completion of road gravelling or pavement;
 - l) during construction of sewer infrastructure;
 - m) during construction of water infrastructure;
 - n) prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D033) 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.

- (4) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} 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.
- (5) (D040) Wastes including vegetation shall not be disposed of by burning.
- (6) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (7) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) 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.
- (3) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (4) (E012) Dedication as public road the area required for any road widening (if required) along the frontage of the development at no cost to Council.
- (5) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (6) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (7) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.

- (8) (E025) Prior to occupation or the issue of an Occupation Certificate, provide a certificate from the installer certifying that the mechanical ventilation system meets the requirements of AS 1668 Parts 1 & 2. The certificate must include:
- Inspection, testing and commissioning details
 - Date of inspection, testing and commissioning
 - The name and address of the individual/company, who carried out the test
 - Statement that the service has been designed, installed and is capable of operating to AS 1668.
- (9) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer. The inspection shall include the following items:
- Onsite Sewage Management System
 - Food premises
 - Underground Petroleum Storage System (UPSS)
 - Stormwater pollution prevention/forecourt spill kit
 - Stormwater management, treatment system and disposal.
- Evidence of satisfactory completion of the inspection shall be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.
- (10) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (11) (E035) Prior to occupation or the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from Transport for NSW, being the roads authority, certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act/WAD have been satisfactorily completed. A copy of this documentation is to be submitted to Council prior to the release of the engineering security bond.
- (12) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (13) (E039) An appropriately qualified and practising consultant is required to certify the following:
- 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.
- (14) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

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

- (15) (E050) 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'.

- (16) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (17) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.

- (18) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of an Occupation Certificate.

- (19) (E061) Landscaped and VMP planting areas being completed prior to occupation or issue of the Occupation Certificate. The VMP planting areas to rehabilitate the 3 hectare onsite sewage management system once decommissioned (if required) shall be permitted to be planted at a later date. Public landscaping may be bonded as agreed to by Council.

- (20) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.

- (21) (E064) 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.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
- Include instruction for completion of 'Lighting Requirements';
- 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;
- Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles,

- (22) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- a. The relocation of underground services where required by civil works being carried out.
- b. The relocation of above ground power and telephone services

- c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (23) (E068) Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the dwellings (including street lighting and fibre optic cabling where required).
- (24) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (25) (E080) The applicant is to dedicate the area required for the new public road prior to the issue of an Occupation Certificate.
- (26) (E081) 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:
- a. The surface levels of the allotments created, filled or reshaped as part of the development.
 - b. Compaction testing carried out to Controlled Fill Standard as per AS 3798.
 - c. Standard penetration tests and calculated N values.
 - d. Bore logs
 - e. Site classification of all allotments in accordance with AS2870.2011 - Residential Slabs and Footings.
- (27) (E082) 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 Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (28) (E195) Prior to the issuing of any type of Occupation Certificate or the occupation of the site, whichever occurs first, a suitably qualified person shall provide certification to Council that the UPSS has been designed, installed, tested and commissioned in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019. All relevant certificates and reports, including for the Equipment Integrity Test, shall be submitted to Council within sixty (60) days of the system having been commissioned by the Duly Qualified Person.
- (29) (E196) Prior to the issue of any Occupation Certificate, groundwater monitoring wells must be designed, installed and tested by a suitably qualified person in accordance with the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
- (30) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

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

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

- (31) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

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

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (32) (E197) Prior to the issue of an Occupation Certificate, the installation of all public art shall be completed.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A minimum of 140 spaces are to be provided onsite.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the designated loading bays at all times and must not obstruct other users of the highway service centre.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (6) (F014) In accordance with Council's Smoke Free Outdoor Areas Policy, no smoking is permitted within the nominated outdoor dining area. Staff of the business to which the no smoking outdoor dining area applies, shall advise patrons within the area that no smoking is permitted. Signs bearing the legend "No Smoking" must be placed on each table within the outdoor dining permit area and no ash trays shall be provided on the tables within the outdoor dining permit area.
- (7) (F020) Liquid materials, including chemicals, cleaning liquids, and other fluids are to be stored in roofed and imperviously bunded area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (8) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (9) (F023) Spills and contaminated runoff from the service station forecourt, filling points, and under canopy areas area where necessary should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (10) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be generated as a result of the operation of the development.
- (11) (F025) This consent permits the highway service centre to operate 24 hours, 7 days per week.
- (12) (F036) Any exterior lighting and illuminated signage on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.

- (13) (F195) The treated discharge water from the oil water separator entering receiving waters in the stormwater system shall be tested for Total Petroleum Hydrocarbons (TPH) by a NATA registered laboratory. The results shall be retained on the premises for a minimum of three (3) years and made available to an Authorised Officer upon request.
- (14) (F196) Stormwater testing shall be carried out at a point after the treated water has exited the oil/water separator but before it leaves the service station boundary and enters a public stormwater system or the environment. The discharge water shall be tested a minimum of three (3) times a year including once following a rain event. The maximum allowable TPH limit at the time of approval is 5mg/L (or parts per million - ppm).
- Test samples shall only to be taken by a suitably qualified person and tested by a NATA registered laboratory. Monitoring for the concentration of TPHs must be done in accordance with the most current version of the publication: Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales.
- The discharge criteria of TPH from the system shall comply with relevant industry standards at the time of the inspection such as British European Standard BS 858, Australian Standards, NSW EPA requirements, guidelines and industry best practice. At the time of approval, the relevant industry accepted standard is 5mg per litre (5mg/L).
- (15) (F197) The oil water separator shall be properly maintained in good operating condition at all times in accordance with the manufacturer's specification and recommendations. The specification shall be retained on the premises at all times. All service/maintenance records shall be retained on the premises for three (3) years and made available to an Authorised Officer upon request.
- (16) (F198) Accumulated sediment in the sump is to be removed when necessary by a licensed contractor and disposed of properly at an EPA licensed facility. Receipts for the servicing and disposal shall be retained on the premises for three (3) years and made available to an Authorised Officer upon request.
- (17) (F199) The premises shall have a fully compliant and operational Fuel System Operation Plan (FSOP) and designated "Person Responsible". The FSOP and details of the designated "Person Responsible" shall be held onsite at all times and made available to an authorised officer upon request.
- (18) (F200) The operation, maintenance, reporting and record keeping for the service station, including the forecourt water treatment systems and UPSS shall comply with all relevant EPA requirements, NSW legislation, Australian Standards and manufacturer's requirements, at all times. Required test results, documents and plans shall be made available to an authorised officer upon request.
- (19) (F201) Should the Underground Petroleum Storage System (UPSS) require repairs during the operational phase, the UPSS must not be recommissioned unless it satisfies the requirements outlined in the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
- (20) (F202) Wastewater generated in the undercover refuelling forecourt must be collected and appropriately stored for removal by the a NSW EPA licensed contractor and disposed of at an appropriate facility.
- (21) (F203) Any Underground Petroleum Storage System (UPSS) to be removed, replaced or decommissioned shall require site validation. The Validation Report shall be prepared by a suitably qualified and practising professional in

accordance with relevant legislation and guidelines, and shall be submitted to Council within sixty (60) days of validation works being completed.

- (22) (F204) The operation, testing, reporting and maintenance of the service station, UPSS, all pollution control and monitoring equipment, loss monitoring and detection equipment shall comply in full, at all times with:
- The POEO Act, 1997;
 - UPSS Regulation, 2019;
 - Clean air Regulation, 2010;
 - NSW SafeWork requirements;
 - NSW EPA requirements and relevant guidelines;
 - Relevant Australian Standards;
 - Manufacturer's specifications and requirements;
 - Codes of Best Practice; and
 - Industry Best Practice.
- (23) (F205) All trees planted, retained, or offset on site shall be maintained in perpetuity and shall not be permitted for removal through provision of any mechanism such as 10/50 code without the consent of Council to determine the tree is dead dying or dangerous. Any tree removed with consent from council shall require offset at a 2.1 ratio.
- (24) (F206) Transport for NSW shall be contacted should an incident occur on the site that will have an impact on traffic movements on the State road network.