

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2020/958

DATE: 23/09/2021

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
Plans	5957 - DA1.1_F, DA1.3_D	King and Campbell	9/6/2021
Plans (Tiny Houses)	SOJOURNER Version 3	Hauslen Tiny House Co.	7/4/2021
SOEE incl. Clause 4.6 variation request	5957	King and Campbell	July 2021 (v2)
Traffic Engineering Assessment	TPS395Rep1	Glen R Holdsworth (RPEQ4152)	16/6/2021
Ocean Drive Intersection Upgrade Works	5957E_OceanDrive Intersection	King and Campbell	22/07/2021
Bushfire Hazard Assessment		David Pensini	July 2020

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) (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.
- (3) (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.

- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Installation of 5 Tiny Homes and Driveways for Tourist and Visitor Accommodation.
 - Stage 2: Ocean Drive Intersection Upgrade, Alterations and Additions to Existing Shed and Change of use to Recreations Hall.

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.

- (6) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - NSW Rural Fire Service - The General Terms of Approval, Reference DA20201203004532-CL55-1 and dated 9 September 2021, are attached and form part of this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A031) Approval 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 obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Functional vehicular access
- Road works for the full intersection upgrade along Ocean Drive, generally in accordance with the concept plan by King & Campbell Pty Ltd; Ocean Drive Proposed Intersection Upgrade Works,

957E_OceanDriveIntersection Rev A, or as amended during detailed design to meet current Austroads Guidelines, Australian Standards and TfNSW Supplements.

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (9) (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.
- (10) (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 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.

- (11) (A062) 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.

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:
 - Onsite waste management
 - Stormwater drainage termination point

- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a 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.
 2. Earthworks.
 3. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Stormwater systems.
 5. Erosion & Sedimentation controls.
 6. 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
 7. Traffic management control plan in accordance with as agreed by Council.
 8. Detailed intersection layout at the junction of Ocean Drive and Access Location in accordance with the current version of the AUSTRoads guidelines for Intersection design, giving particular attention to sight distance.
- (4) (B030) Prior to issue of Construction Certificate for road works, 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).
- (5) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (6) (B046) The building recreation hall and tiny homes 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 Certifying Authority 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.

- (7) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.

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) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.

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. at completion of installation of erosion control measures
 - b. at completion of installation of traffic management works
 - c. at the commencement of earthworks;
 - d. before commencement of any filling works;
 - e. when the sub-grade is exposed and prior to placing of pavement materials;
 - f. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - g. at the completion of each pavement (sub base/base) layer;
 - h. prior to the pouring of concrete for sewerage works and/or works on public property;
 - i. on completion of road gravelling or pavement;
 - j. prior to sealing and laying of pavement surface course.

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

- (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, Department of Environment and Conservation 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) (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.
- (5) (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) (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.
- (2) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (3) (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.
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner must provide the Principal Certifying Authority 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.
- (5) (E034) Prior to occupation or the issuing of the Final Occupation Certificate, for the Recreation Hall, provision to the Principal Certifying Authority 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.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate, for the Recreation Hall, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (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 Certificate or release of the security bond, whichever is to occur first.
- (9) (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
- (10) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
 - (11) (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 S138 certificate of completion. The copyright for all information supplied, shall be assigned to Council.
 - (12) Prior to Occupation or the release of the Occupation Certificate for the Recreation Hall, upgrade works to the Ocean Drive intersection must be completed to ensure the safety and efficiency of traffic and patrons accessing the development.
 - (13) Prior to Occupation or release of the Occupation Certificate for the Recreation Hall. 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.

F – PRIOR TO OCCUPATION OF THE MOVEABLE DWELLINGS / ISSUE OF CERTIFICATE OF COMPLETION IN ACCORDANCE WITH THE LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVANS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

- (1) Prior to occupation of the movable dwellings (i.e. cabins and/or tiny homes), a certificate of completion is to be issued by Council in accordance with the Local Government (Manufactured Home Estates, Caravans, Camping Grounds and Moveable Dwelling) Regulations 2005.
- (2) Prior to occupation a section 68 Final Completion certificate shall be obtained from Port Macquarie-Hastings Council for all plumbing and drainage works.
- (3) Payment to Council of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based upon the number of bedrooms in the individual moveable dwellings/manufactured home/s, 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:
 - Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Community Cultural and Emergency Services Contributions Plan 2005

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

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

- (4) Prior to installation of any moveable dwelling, a Section 68 application is to be lodged and approved by Council and monetary development contributions addressed as follows:
 - a. The Section 68 Application is to include with each movable dwelling to be installed:
 - i. a site map indicating its proposed location; and
 - ii. a request to provide an updated Notice of Payment for contributions for the movable dwelling(s).
 - b. Prior Section 68 approval or any Notice of Completion for the movable dwelling (whichever occurs first), development contributions are to be paid.
- (5) (A044) The site is currently not serviced for water. If the site is serviced for water and provided a water service. The water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

G – 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 total of 24 spaces for the short tourist and visitor accommodation component of the Eco-tourist Facility and up to 100 car parking spaces in the overflow car park is to be provided onsite for the ancillary Recreation Hall.
- (2) (F005) The moveable dwellings are approved for short term accommodation only.
- (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) (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.
- (6) (F195) The number of visitor or guests attending an event at any one time is capped at 150 people, inclusive of those staying within the onsite accommodation.
- (7) (F196) The recreation hall is approved as ancillary to the existing eco-tourism development on the site and is not to be operated or leased out separately.
- (8) The parking areas, including the overflow parking, shall be monitored and managed to ensure no adverse dust, erosion or wet weather problems. A seal or gravel surface may be necessary to manage such impacts should they occur.

- (9) Hours of operation for the Recreation Hall for noise generation function and/or events are restricted to the following hours:
- 8 am to 11 pm – Mondays to Saturdays
 - Daylight hours on Sundays

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