

Number	Draft Condition	Comment
<b>General Conditions</b>		
1	A Subdivision Certificate for the development site shall not be released until a site specific chapter in Council's Development Control Plan has been adopted by Port Stephens Council.	PSC to delete.
2	All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Port Stephens Council.	Council's position noted.
<b>Building Issues</b>		
3	A report which identifies the satisfactory remediation of all identified site contamination is to be provided <b>prior to the issue of a Subdivision Certificate.</b>	Council's position noted.
<b>Section 94A Contributions</b>		
4	<p>Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, a contribution of the cost of development shall be paid to Council, as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000 and as outlined in Table 1 below.</p> <p><u>Table 1</u> Development Cost and Levy Rate</p> <p>Proposed cost of carrying out the development is up to and including \$100,000 - Nil  Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 - 0.5% of that cost  Proposed cost of carrying out the development is more than \$200,000 - 1% of that cost</p> <p>A Cost Summary Report Form setting out an estimate of the proposed cost of carrying out the development in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council <b>prior to issue of the</b></p>	NEH at this point does not accept full payment of a s94A contribution and will take up this matter with the DoPI having regard to s94B of the EP&A Act 1979.

	<p><b>Construction Certificate.</b> Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors.</p>	
<b>Environmental</b>		
5	<p><b>Prior to the issue of any Construction Certificate or commencement works or Subdivision Certificate</b> a positive covenant shall be created under Section 88E of The Conveyancing Act 1919 on the title of the land.</p> <p>The public positive covenant shall give effect to the following:</p> <p>For the areas marked "Conservation Area" and "Rehabilitation Area" as shown on approved plans, the area shall be managed in strict accordance with the approved Vegetation Management Plans.</p> <p>The "Conservation Area" is in the south of the site where it provides a buffer to the SEPP 14 Wetland and incorporates a section of Swamp Oak Floodplain Forest EEC which must not be cleared or impacted upon. The "Rehabilitation Area" is in the western part of the subject site, directly adjacent to the Hunter River. This area shall not be subject to industrial allotments but shall be revegetated to create a riparian corridor along the Hunter River.</p> <p>The "Conservation Area" and "Rehabilitation Area" as marked on approved plans shall at all times remain free from:</p> <ul style="list-style-type: none"> <li>○ all stockpiles,</li> <li>○ importation of fill,</li> <li>○ parking or movement of vehicles/machinery,</li> <li>○ disposal, mixing or spillage of building waste or materials,</li> <li>○ placement of temporary buildings,</li> <li>○ grazing of livestock,</li> <li>○ building work (paving, excavation or construction),</li> <li>○ clearing or trenching for services,</li> <li>○ drainage works,</li> </ul>	<p>PSC to delete.</p> <p>Not required. SEPP 14 does not apply. Development footprint is governed by DoPI and State Govt agencies therefore an additional layer of development control is not required.</p>

	<ul style="list-style-type: none"> <li>○ onsite sewage system or stormwater infrastructure,</li> <li>○ planting of non-indigenous plants, and</li> <li>○ asset protection zones.</li> </ul> <p>Within the "Conservation Area" and "Rehabilitation Area" all native vegetation (trees, shrubs and groundcovers) shall be retained. This includes regeneration/re-growth.</p> <p><u>Note</u>, the requirements of the Section 88E Instrument do not apply to the works that are required to be undertaken by the Hunter Valley Flood Mitigation Scheme/ OEH.</p>	
6	<p>A Vegetation Management Plan (VMP) for the area on the subject site (Lot 1001) designated as the "<b>Conservation Area</b>" shall be prepared by a suitably qualified and experienced bush regeneration company or equivalent. A second Vegetation Management Plan for the area on the subject site (Lot 1001) designated as the "<b>Rehabilitation Area</b>" shall be prepared by a suitably qualified and experienced bush regeneration company or equivalent. These are to be submitted and deemed satisfactory by Port Stephens Council <b>prior to issue of the Subdivision Certificate</b>.</p>	<p>PSC to delete.</p> <p>Not required. SEPP 14 does not apply. Development footprint is governed by DoPI and State Govt agencies therefore an additional layer of development control is not required.</p>
7	<p>The Plans should cover a timeframe of at least 7 years from the commencement of construction. If commencement of construction is delayed, the start date for the weed management and restoration activities within the VMPs shall be no later than 6 months from the date of subdivision DA approval. The covenants and the content of the VMPs shall ensure areas are restored and maintained for the life of the development.</p>	<p>PSC to delete.</p> <p>Not required. SEPP 14 does not apply. Development footprint is governed by DoPI and State Govt agencies therefore an additional layer of development control is not required.</p>
8	<p>The VMPs are to be divided into stages and Stage 1 should be implemented in full <b>prior to release of the occupation certificate</b> relating to any part of the first stage of the development. Stage 1 for the Conservation Area should at a minimum be site fencing and signage, primary and secondary weed management and progress reporting. Stage 1 for the Rehabilitation Area should at a minimum include site delineation and signage, primary weed management, tubestock planting throughout the site, initial stages of weed and plant maintenance and progress reporting.</p> <p>The VMPs shall include the following:</p>	<p>PSC to delete.</p> <p>Not required. SEPP 14 does not apply. Development footprint is governed by DoPI and State Govt agencies therefore an additional layer of development control is not required.</p>

	<ul style="list-style-type: none"> <li>a. A map with different treatment zones defined;</li> <li>b. Strategies for preservation, protection and restoration of vegetation and for staged weed management using bush regeneration techniques and encouragement of natural regeneration from the soil seed bank;</li> <li>c. For any zone where planting is required, include a Plant Schedule table detailing species, identify planting densities, source of planting stock and mulch, and any use of tree guards, jute matting, water crystals;</li> <li>d. A Schedule of Works (preferably table format or similar) which aligns the actions for each zone into stages, assigns responsibility for the actions, defines a method and schedule of monitoring and reporting;</li> <li>e. Details of the work within each zone, the proposed weed control methods and seasonal timing of works;</li> <li>f. Detail of any on-site protection measures (any fencing or barriers with signage);</li> <li>g. Detailed costings of work associated with zones and stages;</li> <li>h. Proposed disposal method for weed propagules and green waste;</li> <li>i. Incorporate the requirements of the consent conditions, 88E instruments, landscape plans, tree protection plans, clearing method statements, or bushfire mitigation measures which may apply to the property;</li> <li>j. Landscaping requirements for future landowners/leasees including a list of indigenous and non-invasive species that can be planted on the allotments; and</li> <li>k. Details of erosion, sediment and stormwater runoff controls.</li> </ul>	
9	Services including water and sewer are to be laid with appropriate measures in place to prevent and/or manage by best practice any acid sulphate soil disturbance.	Council's position noted.
10	Implement Pre-clearing fauna surveys as per page 149 of Ecobiological report, Appendix D) and any directions contained in Vegetation Management Plans applying to the site.	Council's position noted.

11	40 suitable sized nest boxes for micro-chiropteran (small insectivorous) bats and 20 medium sized nest boxes shall be attached to trees on Lot 1001 DP 1127780 or Lot 1002 DP 1127780 and positioned at a suitable height off the ground. The boxes shall be installed and certified by a fauna ecologist. Harvesting of existing hollows can be undertaken where possible in lieu of using nest boxes, but a total of 60 harvested hollows or nest boxes are required to be installed into trees. A copy of the certification must be submitted to the Principle Certifying Authority (PCA) <b>prior to issue of the Construction Certificate.</b>	Council's position noted.
12	Weeds present on site include, but are not limited to, Alligator Weed, Bitou Bush, Mother of Millions, Groundsel Bush, Lantana, Blackberry, Castor Oil, Camphor Laurel, Crofton Weed, Lacy Ragweed, Pampas Grass, Prickly Pear, Moth Vine, Dock, Fennel and Weeping Willow. During the construction phase development must provide: <ul style="list-style-type: none"> <li>○ Controls to prevent the spread of weeds on machinery including a disposal and wash down area;</li> <li>○ An area for storage of contaminated spoil that is separate from clean material;</li> <li>○ Certification that any fill, soil, mulch and plants brought onto the site is free of weeds and weed seeds; and</li> <li>○ Site inductions for all personnel and visitors that includes weed management practices including signs placed at the site entry.</li> </ul> Written confirmation that the above has been undertaken must be submitted to the Principal Certifying Authority <b>prior to issue of the Occupation Certificate.</b>	Council's position noted.
13	A 'Wetland Management and Monitoring Plan' is required <b>prior to issue of the subdivision certificate.</b> This WMMP should protect and monitor all sensitive areas downslope from the development for 10 years from commencement of construction on site. A bond of \$80,000 shall be submitted to DoPI or OEH and tied to appropriate implementation of the Wetland Management and Monitoring Plan. Reports interpreting the water quality results should be submitted regularly to the DoPI and OEH.	PSC to delete.
14	A Vegetation Management Plan for the <b>Offset Area</b> on Lot 1002 shall be prepared and a \$200,000 bond lodged with DoPI or OEH to ensure restoration in accordance with the	PSC to delete.

	<p>Offset Area VMP. The VMP setting out the designated zones, implementation stages with detailed schedule of works and costing for each zone is required <b>prior to issue of the Subdivision Certificate</b>. The Schedule of Works should describe bush regeneration work on the site commencing within 6 months from the date of subdivision DA approval and continuing for at least a 5 year period. It is paramount that Alligator Weed and Pampas Grass are regularly controlled on site. Evidence that the cover of these weeds and other weeds is steadily reduced is required and must be demonstrated within periodic reports. The bond will provide security of \$200,000 for the on-ground works to achieve weed management and restoration of the offset area. The VMP should be prepared by a suitably qualified and experienced bush regeneration company or equivalent. (This VMP requires active onground work, above and beyond that which may be set out in the proposed 'Wetland Management and Monitoring Report' described in the Ecobiological report p. 150-151).</p>	
15	<p>Preparation of a Vegetation Management Plan for the Landscaped Watercourses and Riverside Park in the southern section of the development is required <b>prior to issue of the subdivision certificate</b>. This should be prepared by a bush regeneration company with expertise in environmental restoration. It should detail the revegetation and vegetation management, and provide further detail than the Landscape Plan. The VMP should be divided into stages. Stage 1 and 2 (initial weed management, soil stockpiling, site clearing protocols, planting of the Landscaped Watercourses, Pocket Parks, Riverside Park and the Floodplain/Ponding Zone with endemic native species, and initial maintenance) should be implemented in full <b>prior to issue of the occupation certificate</b> relating to any part of the first stage of the industrial development.</p>	Council's position noted.
16	<p>Development shall be prohibited within:</p> <ul style="list-style-type: none"> <li>a. all areas identified as Saltmarsh, <ul style="list-style-type: none"> <li>o the 50 metre buffer area surrounding the mapped SEPP 14 wetland</li> <li>o the 50 metre buffer area surrounding the mapped Ramsar wetland</li> <li>o the riparian buffer along the Hunter River (excluding the Hunter Flood Mitigation Scheme infrastructure/ levee banks)</li> </ul> </li> </ul> <p>Within these areas, there will be no clearing, trenching for services, importation of fill, stockpiling, storage of any materials, mixing of materials, disposal of liquids,</p>	PSC to delete.

	vehicle/machinery parking, positioning of offices or sheds, asset protection zones nor planting of non-indigenous vegetation without prior written agreement from Council.	
<b>Trees</b> <i>(The following are recommended conditions of consent on the chance the consent authority may decide to not support Council's position on street trees).</i>		
17	The location of street trees must be no closer than 50 metres apart and shown on the construction certificate plans and demonstrated to have sufficient clearance from services, light poles and the preferred location of driveway crossings to not impede their functioning. Supply and installation of street trees must comply with Council's Infrastructure Specification – Design. Details shall be approved by Council <b>prior to issue of the Construction Certificate.</b>	Council's position noted.
18	Street trees shall be of a species as nominated in the following list, and certified by a qualified landscape architect to be suitable for the soil (fill) materials on the site. Acmena smithii, Cupaniopsis anacardiodes, Elaeocarpus Reticularis, Flindersia australis, Harpullia pendula, Syzygium australa, Syzygium Paniculatum, Tristaniopsis laurina, Waterhousia floribunda, <i>Acmena hemilampra</i> . Details shall be approved by Council <b>prior to issue of the Construction Certificate.</b>	Council's position noted.
19	The landscaping with native grasses within the road reserve shall be located within the first two metres immediately adjacent to the private property frontages. No landscaping shall occur against the kerb as shown in the concept landscaping plans. Details shall be approved by Council <b>prior to issue of the Construction Certificate.</b>	Council's position noted.
20	No street trees or landscaping is to occur within the proposed road reserves. Construction plans shall specify turf verges. Details shall be approved by Council <b>prior to issue of the Construction Certificate.</b>	Council's position noted.
<b>Public Stormwater</b>		
21	An application shall be submitted to and approved by Port Stephens Council for any works within public drainage systems and/or easements, pursuant to section Part B, Section 68 of the Local Government Act 1993. This shall include connection of new subdivision stages back into previously stages now dedicated as public systems and/or	Council's position noted.

	<p>easements</p> <p>A <b>Construction Certificate cannot be issued</b> until this application is submitted to and approved for construction by Port Stephens Council.</p> <p>An <b>Occupation Certificate cannot be issued</b> until Port Stephens Council has determined that the development has been completed and issued a Certificate of Completion for works approved under the Local Government Act.</p>	
<b>Filling</b>		
22	<p><b>Prior to the issue of Construction Certificate</b> details are to be submitted to Council showing all finished lots surfaces shall be graded towards the internal roads, this shall be at a min 1% to the road boundary. Details shall be approved by Council <b>prior to the issue of Subdivision Certificate.</b></p>	<p>Suggest rewording: 'Finished surfaces of development areas should be graded to road boundaries or drainage reserves to avoid ponding'.</p>
23	<p>Where depth of filling exceeds 300mm it is to be constructed in horizontal layers not exceeding 150 mm compacted thickness. Each layer shall be compacted to at least 95% of the maximum dry density, when tested, in accordance with AS 1289 - 1993 Clauses 5.1.1 and 5.3.1. Verification of the compaction is to be provided to Council by a Certificate from a Geotechnical Engineer, incorporating a location plan indicating filled areas in relation to road and lot boundaries, from a registered N.A.T.A. testing laboratory <b>prior to the issue of Subdivision Certificate.</b></p>	<p>Suggest rewording: 'Bulk earthworks methods to be in accordance with a suitably qualified and experienced geotechnical engineer'.</p>
24	<p>Where retaining walls are required, they shall be designed, supervised and certified by a qualified structural or civil engineer in accordance with AS 4678 Earth Retaining Structures code of Australia. The retaining walls shall be located fully within the boundaries of the subject property (private lots). Design certification shall be submitted for approval to Council <b>prior to the issue of Construction Certificate</b> and construction certification shall be provided to Council <b>prior to the issue of Subdivision Certificate.</b></p>	<p>Council's position noted.</p>
25	<p>The top of fill level within the developable area of the property is to be not less than RL 2.8 m AHD. Certification of the fill levels within the developable areas are to be provided by a suitably qualified and experienced surveyor with appropriate professional indemnity insurance to the requirements of the PCA <b>prior to the release of</b></p>	<p>Some open drainage may be extended from the trunk drainage into the developable areas to suit individual developments making this compliance</p>

	<b>the Subdivision Certificate.</b>	unachievable. Suggest rewording: 'Finished surfaces of development areas should be generally 2.5m or greater. Buildings to be 300mm above the 1% AEP flood level.
<b>Utilities Conditions</b>		
26	<b>Prior to approval of the Subdivision Certificate</b> written evidence must be submitted from the Hunter Water Corporation, Telstra Australia and Energy Australia that satisfactory arrangements have been made for the provision of their respective services to all lots in the proposed subdivision.	Council's position noted.
27	All utility structures other than conveyance conduits shall be constructed on land outside the road reserve and dedicated to its relevant authority ie: sewer pump stations, electrical substations and transformers and the like. Positions shall be shown on the construction plans <b>prior to the issue of Construction Certificate.</b>  Details of the lots shall be included in the linen plan <b>prior to issue of the subdivision certificate.</b>	NEH recommend that the condition be amended as follows:  All utility structures other than conveyance conduits shall be constructed on land outside the road reserve <u>and where necessary appropriate easements be created or land dedicated to its relevant authority</u> ie: sewer pump stations, electrical substations and transformers and the like. Positions shall be shown on the construction plans <b>prior to the issue of Construction Certificate.</b>  Details of the lots shall be included in the linen plan <b>prior to issue of the subdivision certificate.</b>
<b>Roads</b>		
28	A Roads Act approval from Port Stephens Council is required for all necessary road, drainage and other works including maintenance required during the maintenance period <b>prior to any works occurring within Council road reserves.</b>	Council's position noted.

29	The applicant is to restore, replace or reconstruct any damage caused to road pavements, surfaces or street furniture on existing roads used for the construction of the subdivision.	Council's position noted.
	Haulage routes for the importing of fill over Council roads for the construction of the subdivision are to be as approved by the Manager Civil Assets Port Stephens Council <b>prior to the issue of a Construction Certificate.</b>	Not accepted. It is considered that the Construction Traffic Management Plan will appropriately address this matter.
30	<p>Engineering plans for the following subdivision works within the private property must be designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design Specification – AUS Spec', and RMS Specifications <b>prior to the issue of a Construction Certificate:</b></p> <ul style="list-style-type: none"> <li>a. Internal roads, drainage and pathways.</li> <li>b. Footpaths and shared paths</li> <li>c. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RTA and Australian Standards.</li> <li>d. Pedestrian facilities including footpaths, kerb ramps, pedestrian refuges, linkages from external and internal bus stops, lighting and the requirements for disabled access in accordance with Disability Discrimination Act requirements.</li> <li>e. Concrete access ways across the verge for all access points to public infrastructure comprising a minimum 4 metres full width reinforced concrete pavement (SL72 steel fabric, 150mm thick).</li> <li>f. Signage and line marking. - all regulatory signage and line marking plan must be approved by the Port Stephens Council Traffic Committee in accordance with the delegations from Roads and Maritime Services.</li> <li>g. Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;</li> <li>h. Contractor's public liability insurances to a minimum value of \$10 million dollars.</li> <li>i. All works shall be at no cost to Council</li> </ul> <p>The engineering plans and any associated reports for the above requirements <b>must form part of the Construction Certificate.</b></p>	<p>It is noted that the RMS specifications are not current.</p> <p>Matters (a) – (d) and (f) – (i): Council's position noted.</p> <p>Matter (e) – PSC to delete.</p>

31	Where roads cross boundaries of future stages, a temporary cul-de-sac head of the same radius as the permanent cul-de-sacs shall be designed and approved by Council <b>prior to the issue of Construction Certificate</b> and constructed <b>prior to the issue of the Subdivision Certificate</b> . The cul-de-sac is to include 2 coat bitumen seal, pipes and pits to drain surface water directly to Council's system along with appropriate rights of access and legal points of discharge for stormwater as necessary.	Council's position noted.
32	Bus Route Plan and design details for the entire subdivision is to be submitted to Port Stephens Council for approval <b>prior to the issue of a Construction Certificate</b> . The Bus Route Plan and design details shall be based upon the criteria of "no more than 5% of employees to the lots being further than 400mm walk to bus facilities". The applicant shall consult with Port Stephens Council and the relevant bus companies to determine routes which are acceptable. The plan, the design and construction of bus stops details to be submitted to Port Stephens Council for approval <b>prior to the issue of a Construction Certificate</b> .	PSC to delete.
33	All internal 4 way intersections shall be controlled by roundabouts, details shall be submitted to Council for approval <b>prior to the issue of Construction Certificate</b> .	Council's position noted.
34	All proposed roundabouts and cul-de-sacs shall be constructed from reinforced concrete, designs are to be prepared in accordance with Austroads Guides, RMS Concrete Roundabout Pavements: A Guide to their Design and Construction as well as Council's Infrastructure Specification. Details shall be submitted to Council for approval <b>prior to the issue of Construction Certificate</b> .	Council's position noted.
35	Roads approaching roundabouts shall be median separated and designed in manner that the entry geometry actively slows vehicles prior to engaging the roundabout proper in accordance with Austroads. Details shall be submitted to Council for approval <b>prior to the issue of Construction Certificate</b> .	Council's position noted.
36	All internal roads shall have cross sections that show a 2 way cross fall with the road's crown on the centreline with standard SA kerb on both sides, roads (1 way cross fall are not acceptable). Details shall be submitted to Council for approval <b>prior to the issue of Construction Certificate</b> .	Not accepted. The design criteria from Austroads for water film depths to avoid aquaplaning can be achieved at this site for this road width. Westrac Drive, previously

		accepted by Council in 2012 is one way crossfall and it is advantageous wherever drainage reserves lie adjacent. This reduces road ponding, stormwater piped drainage and drainage crossings.
37	Street lighting shall be designed and constructed in accordance with Australian Standards to the satisfaction of Port Stephens Council, design details shall be submitted to Port Stephens Council <b>prior to the issue of Construction Certificate.</b>	Amend condition to 'internal roads lit to PSC standards'.
38	Where roads cross trunk drainage channels, reinforced concrete box culverts with appropriate wing walls, embankment/erosion protection and safety barriers shall designed and certified by a suitably qualified Chartered Professional Structural or Civil Engineer, all materials specified in the design shall be sulphate resistant, details are to be submitted to Council for approval <b>prior to the issue of Construction Certificate.</b> Bridges of any kind are not acceptable.	Council's position noted.
39	Proposed Roads 1 and 2 function as internal collector roads, these shall have: <ul style="list-style-type: none"> <li>• 2.5m parking lane</li> <li>• 1.0m safety strip</li> <li>• 1.5m cycle lane</li> <li>• 3.5m traffic lane</li> </ul> for both sides of the centreline resulting in a 17m carriage way.  All other proposed internal roads shall have: <ul style="list-style-type: none"> <li>• 2.5m parking lane</li> <li>• 1.5m cycle lane</li> <li>• 3.5m traffic lane</li> </ul> for both sides of the centreline resulting in a 15m carriage way. Details shall be submitted to Council for approval <b>prior to the issue of Construction Certificate.</b>	Not accepted.  No parking on internal roads will occur – each future development w/ accommodate on site parking.  We are proposing 15m wide road carriageway.  PSC are reconsidering this draft condition.
40	Line marking of cycle lanes shall be in accordance with Austroads guides, where cycle lanes conflict with intersections the cycle lane surface shall be coloured green, works are to be complete. Details shall be submitted to Council for approval <b>prior to the issue</b>	Council's position noted.

	<b>of Construction Certificate.</b>	
41	All portions of roads that are not of reinforced concrete construction shall be Asphalt sealed 100mm thick minimum, where heavily bound base is to be used for pavement material the Asphalt thickness shall be minimum 175mm thick, details are to submitted to Council <b>prior to the issue of Construction Certificate.</b>	Not accepted. Current road pavement design is RMS compliant which far exceeds the Council standard. Westrac Drive is already constructed under MP 07_0086 is significantly higher pavement standard than Council would require in the same instance. The condition proposed by Council exceeds the standard acceptable to RMS. Fit for purpose, covered in item 42.
42	A Geotechnical Report for pavement design of the proposed roadworks prepared by a duly qualified and experienced Geotechnical Engineer shall be submitted for approval <b>prior to the issue of a Construction Certificate.</b>	Council's position noted.
<b>Stormwater &amp; Water Quality</b>		
43	No rocks shall be provided within the open channel minor flowpath unless as rock check dams at spacing of no less than 30m minimum spacing. Any rock check dams shall have controlled weir. Details are to submitted to Council <b>prior to the issue of Construction Certificate.</b>	Council's position noted.
44	All road surface drainage throughout the proposed development shall be conveyed from the road surface via conventional pit and pipe system, roadside swales within the road reserve are unacceptable. Details are to submitted to Council <b>prior to the issue of Construction Certificate.</b>	Council's position noted.
45	All stormwater drainage pipes within the road reserve shall be minimum Class 4 steel reinforced concrete with rubber ring joints. Details are to submitted to Council <b>prior to the issue of Construction Certificate.</b>	Council's position noted.
46	Pits required for pipes of 600mm diameter or larger shall be cast in-situ steel reinforced concrete. No portion of any pit shall extend under or beyond the vertical extension of the lip of kerb. Details are to submitted to Council <b>prior to the issue of Construction</b>	Council's position noted.

	<b>Certificate.</b>	
47	<b>Prior to the issue of Practical Completion Certificate</b> a video condition analysis or CCTV analysis shall be undertaken on all drainage infrastructure for the proposed development and submitted to Port Stephens Council for approval. Where it is found that infrastructure or works are defective, non compliant or not to the satisfaction of Port Stephens Council the applicant shall reinstall, reconstruct or remediate the unacceptable item to the satisfaction of Port Stephens Council <b>prior to the issue of Practical Completion or Subdivision Certificate.</b>	Not accepted. Minimum standard of Class 4 pipe crossings has been accepted. This is consistent with RMS standards and a heavier class of pipe than Council's standard. Industry standard pavement construction methods apply over the piped drainage. No footage is required with RMS and based on the above, the CCTV request is not warranted.
48	All trunk drainage shall be fenced and sign posted to ensure public safety in the event of minor and major storm events, details are to submitted to Port Stephens Council for approval <b>prior to the issue of Construction Certificate.</b> All fencing and sign posting shall completed <b>prior to the issue of Subdivision Certificate.</b>	Not accepted. PSC have agreed to remove fencing requirement.
49	4 metre wide minimum 200mm thick all weather access track are required to provide maintenance access along drainage and water quality structures and devices including biofiltraton and open channels. Landscaping with trees and other vegetation shall not occur within the maintenance access areas or other adjoining areas that will impede maintenance.	It is considered that this draft condition should be modified. This condition will not always be appropriate for the development of the site. The condition should acknowledge that appropriate maintenance provisions shall be made available for the drainage channels.
50	Proposed filling should not impede or direct storm flows onto any adjoining properties. Suitable drainage should be provided to capture, transport and discharge storm flows into suitable receiving waters to ensure the filling does not create nuisance flooding of adjoining properties. Full details are to be provided and approved by the PCA prior to issue of a Construction Certificate.	Council's position noted.
51	All adjoining properties shall be protected from the impacts of increased flood levels as a result of the development through the construction and maintenance of appropriate bund walls. These walls are to be located within the development property and full details are to be provided to the PCA prior to issue of a Construction Certificate.	Council's position noted.

52	<p>The Stormwater Drainage Report and Design by a suitably qualified and experienced Chartered Professional Engineer is to be submitted to Council for approval <b>prior to the issue of a Construction Certificate.</b></p> <p>The report shall determine the:</p> <ul style="list-style-type: none"> <li>(1) extent of the 1% ARI event(s) affecting the proposed development including both localized and river flooding;</li> <li>(2) affects that the proposed development has on the lands and drainage systems within the upstream catchment developed to its full potential;</li> <li>(3) affects that the proposed development has on the lands and drainage systems within the downstream catchment;</li> <li>(4) sizing and volumes of water detention facilities within the development based on the principle of creating a "neutral or beneficial affect". Note: a beneficial affect may be required to ensure the long term protection and sustainability of the nearby RAMSAR and SEPP 14 Wetlands.</li> </ul>	Council's position noted.
53	All soil within 1metre of the finished surface level of the drains is tested and treated for acid sulphate. All culverts are to be marine class pipes/culverts.	<p>Not accepted – acid sulphate soils will be managed by the condition requiring an Acid Sulphate Soils Management Plan.</p> <p>The statement re: all culverts to be marine class pipes / culverts - Council's position is noted.</p>
<b>Stormwater Quality Improvement Devices</b>		
54	<p>Stormwater Quality Improvement Devices (SQID's) such as bio-swales, bio-retention systems and constructed wetlands are to be incorporated into the drainage design to treat minor events up to the 0.5 year ARI event. In this regard, provision is to be made for best practice Stormwater Quality Improvement Devices (SQIDs) as a treatment train(s) to collect sediment, hydrocarbons, nutrients, pathogens etc. The treatment train(s) is to be designed and constructed offline from the minor and major drainage system and the construction shall be conducted generally in accordance in with Water By Design's "Construction and Establishment Guidelines: Swales, Bio-retention Systems and Wetlands".</p>	<p>First paragraph of condition is not accepted – It is noted that the NSW Office of Water have already accepted the proposal.</p> <p>Second and third paragraphs - Council's position noted.</p>

	<p>The design shall be capable of retaining pollutants in accordance with the requirements of Council's Urban Stormwater and Rural Water Quality Management Plan, Australian Runoff Quality (ARQ) and ANZECC guidelines. Details shall be submitted (along with accompanying MUSIC model) to Port Stephens Council for approval with the engineering drawings <b>prior to the issue of a Construction Certificate</b>.</p> <p>In addition, a site specific "Operation and Maintenance Manual" is to be prepared for the system and submitted to Port Stephens Council for approval <b>prior to the issue of a Construction Certificate</b>.</p>	
<b>Roads Act Conditions</b>		
55	<p>All work required to be carried out within a public road reserve must be separately approved by Port Stephens Council, under Section 138 of the Roads Act 1993.</p> <p>Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design Specification – AUS Spec', and Section B of Development Control Plan 2007.</p> <p>These works and requirements include:</p> <ul style="list-style-type: none"> <li>a) Connection of roads and drainage to existing public assets including connection to earlier subdivision stages</li> <li>b) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;</li> <li>c) Payment of applicable fees and bonds in accordance with Council adopted fees and charges policy; and</li> <li>d) Contractor's public liability insurances to a minimum value of \$10 million dollars.</li> <li>e) All works shall be at no cost to Council</li> </ul> <p>The engineering plans must be approved by Council <b>prior to the issue of a Construction Certificate</b> required under this consent.</p>	Council's position noted.

56	Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until: <ul style="list-style-type: none"> <li>a. a Roads Act Approval has been issued; and</li> <li>b. all conditions of the Roads Act Approval have been complied with to Council's satisfaction.</li> </ul>	Council's position noted.
57	All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Port Stephens Council (with a letter of practical completion issued) <b>prior to issue of the Subdivision Certificate or Occupation Certificate.</b>  All works associated with the Roads Act Approval shall be at no cost to Council.	Council's position noted.
58	Works associated with the Roads Act Approval are subject to: <ul style="list-style-type: none"> <li>1. inspection by Council,</li> <li>2. testing by a registered NATA Laboratory and</li> <li>3. approval by Council at each construction stage as determined by Council.</li> </ul>	Council's position noted.
59	Prior to any road opening work, a Road Opening Application and accompanying fee must be submitted to and approved by Port Stephens Council's Civil Assets Department.	Council's position noted.
<b>Prior To Subdivision Certificate</b>		
60	All stormwater and water quality structures shall be dedicated to Council (excluding the natural rehabilitated wetland in the lower portion of the site) as drainage reserve. Details shall be approved by Council <b>prior to issue of the Subdivision Certificate.</b>	Council's position noted.
61	<b>Prior to the issue of a Subdivision Certificate</b> a Works Maintenance Bond(s) shall be deposited with Port Stephens Council (or a Bank Guarantee) for a minimum period of twelve months from the issue of Subdivision Certificate of a sum equal to 5% of the contract values of the civil and landscaping works. Verification of the contract values by Council will be required to determine this bond value. Note: (1) Bond administration fees apply in accordance with Council's adopted fees and charges. (2) Rolling bonds will	Council's position noted.

	not be accepted.	
62	<p><b>Prior to the issue of a Subdivision Certificate</b> a Works Maintenance Bond(s) shall be deposited with Port Stephens Council (or a Bank Guarantee) for a minimum period of five years from the issue of subdivision certificate of a sum equal to 10% of the contract values of the water quality improvement devices and landscaping works. Verification of the contract values by Council will be required to determine this bond value. Note: (1) Bond administration fees apply in accordance with Council's adopted fees and charges. (2) Rolling bonds will not be accepted.</p>	Not accepted. Considered unreasonable.
63	<p>The developer is to provide the following plans, documentation and / or CAD files to Port Stephens Council:</p> <ol style="list-style-type: none"> <li>1. Road construction plans in CAD and hard copy format <b>prior to commencement of road works;</b></li> <li>2. Works-as-executed drawings and CAD files of all engineering works <b>prior to the issue of any Subdivision Certificate(s);</b> and</li> <li>3. CAD files which include all lot and road boundaries, lot numbers and easements, <b>prior to the issue of the Subdivision Certificate.</b></li> <li>4. Road and filling geotechnical testing and all other documentation in accordance with Council's infrastructure specification <b>prior to the issue of the Subdivision Certificate.</b></li> </ol> <p>All CAD files shall be supplied in AutoCAD or compatible format in a known coordinate system (preferably GDA94 or MGA56).</p>	Council's position noted.
64	<p>Where new lots, new public and/or new private roads are created the street address numbers and road names(where relevant) shall be approved by Port Stephens Council in accordance with Council's Road Naming policy and application form. Road names shall be included on the final plan of subdivision.</p> <p>Details of proposed numbering shall be submitted to Council's GIS Services Team and approved <b>prior to application for Subdivision Certificate.</b></p>	Council's position noted.

65	<p>The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Certifying Authority.</p> <p>A <b>Subdivision Certificate shall not be issued</b> by the certifying authority until confirmation from the Roads Authority has confirmed that rectification works are to the satisfaction of the Roads authority.</p>	Council's position noted.
66	A dilapidation report shall be provide and accepted by Port Stephens Council <b>prior to issue of a Construction Certificate</b> , for each stage of construction, for any public roads the Council has approved as haulage routines.	Council's position noted.
67	<p><b>Prior to the issue of Practical Completion Certificate and Subdivision Certificate</b> for each stage of construction a "<b>Works As Executed</b>" detail survey shall be submitted to Port Stephens Council for approval in accordance with Council's requirements, this shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Confirmation of lot grading at a min 1% towards the road boundary</li> <li>• Confirmation of each box culvert crossing trunk drainage channels</li> <li>• Pit and Pipe drainage infrastructure</li> <li>• Line marking</li> <li>• Road Centreline</li> <li>• Top and Invert of kerb</li> <li>• Signs</li> </ul>	Council's position noted except for point 1 re: 'confirmation of lot grading at a min 1% towards the road boundary'. This is not accepted based on previous commentary (see condition 22).
68	<b>Prior to the issue of Practical Completion</b> construction of each box culvert crossing trunk drainage channels shall be certified by a suitably qualified Structural or Civil Engineer and submitted to Port Stephens Council.	Council's position noted.

Construction Impacts		
69	<p><i>Whilst the consent authority is generally responsible for the consideration of Erosion and sedimentation conditions, the following has been provided for your consideration:</i></p> <p><b>Prior to the issue of Construction Certificate</b> a Soil &amp; Water Management Plan, including all erosion, sedimentation and water quality components for use during and after construction in accordance with 'Managing Urban Stormwater - Soils &amp; Construction', Department of Housing, 2004 Manual is to be prepared by a suitably qualified Chartered Professional Civil or Environmental Engineer submitted to Port Stephens Council for approval detailing temporary and permanent measures proposed to be installed. The plan is to include an analysis of :</p> <ul style="list-style-type: none"> <li>• Rainfall erosivity</li> <li>• Soil erodability</li> <li>• The erosion and sediment hazard and necessary environmental targets and limits to be met</li> <li>• The runoff coefficient</li> <li>• Soil contamination (if any)</li> <li>• Water tables</li> <li>• Ground water movements</li> <li>• Period of the year in which construction is expected to be undertaken</li> <li>• Sediment basin(s) and correct sizing, along with flocculation regimes</li> <li>• Diversion drain size capacity</li> </ul> <p>to determine the design and performance criteria for the preparation of site specific Erosion and Sediment Controls Plan(s).</p> <p>Control measures and treatment trains are to be thoroughly discussed for the site and its construction staging. The plan shall clearly illustrate and clearly define no go zones, timing and staging earthworks with regard to limiting exposure to rainfall events, stabilisation of erosion hazard. The plans must determine and recommend performance criteria and acceptable measures.</p> <p>In addition the Soil and Water Management Plan must clearly display acceptable discharge limits as per the following:</p>	Council's position noted.

	<ul style="list-style-type: none"> <li>• not exceed Total Suspended Solids of 50mg/L</li> <li>• not exceed Turbidity of 50 NTU</li> <li>• range within pH value of 6 to 8</li> <li>• be &lt; 80% and &gt; 20% saturation dissolved oxygen</li> <li>• have no odour or visible petro-chemical sheen</li> <li>• have no visible litter or waste matter</li> <li>• not contain any other contaminant, chemical or biological condition which causes any measurable adverse affect</li> </ul> <p>Finally the plan must thoroughly discuss appropriate corrective and monitoring actions which are detailed for the strict purpose of construction, all details are to be submitted to Council for approval <b>prior to the issue of Construction Certificate.</b></p>	
70	All reasonable and practicable measures must be taken which are appropriate to ensure that the activities of all persons working on the site, including employees, agents and contractors, conform to the requirements of this consent and their general environmental duty as required under the POEO Act 1997.	Council's position noted.