

JRPP No:	2010NTH018
DA No:	DA 1209/10
PROPOSED DEVELOPMENT:	Residential Subdivision - Golf Course Precinct, Coffs Harbour - Pacific Bay Resort, Resort Drive, Coffs Harbour, (Lot 5, DP 1112654 & Lot 6, DP 1112654)
APPLICANT:	David Hogendjik
REPORT BY:	Gilbert Blackburn, Duty Planner, Coffs Harbour City Council

Assessment Report and Recommendation

DEVELOPMENT APPLICATION NO. 1209/10 RESIDENTIAL SUBDIVISION, LOT 5, DP 1112654 & LOT 6, DP 1112654, PACIFIC BAY RESORT, RESORT DRIVE, COFFS HARBOUR

PURPOSE:

This report provides an assessment of Development Application No. 1209/10 for a community title subdivision of part of Lot 5, DP 1112654, part of Pacific Bay Resort, Resort Drive, Coffs Harbour. The application is to be determined by the Joint Regional Planning Panel – Northern Region.

Approval of the application subject to conditions is recommended.

THE PROPOSAL:

This is an application for subdivision of land into thirty two lots, reconfiguration of the existing Pacific Bay Conference Facility Car Park (to provide an additional 32 car parking spaces) and adjustment to the common boundary between Lot 5 and Lot 6, DP 1112654. The application also includes specific subdivision works such as earthworks, ground compaction, construction/ provision of services including drainage, electricity, telecommunications, sewerage, water supply.

Subdivision will occur from an initial three lot subdivision, creating a development lot, a separate lot for the Pacific Bay Conference Facility and a residual lot. The development lot will then be further subdivided into 30 residential allotments of typical sizes and dimensions.

A new intersection is proposed on Charlesworth Bay Road approximately 80 metres from the intersection of Charlesworth Bay Road with the Pacific Highway. The new six metre wide carriageway will extend to the residential allotments.

BACKGROUND:

This application when submitted did not accord with the approved SEPP 71 masterplan which applied to the Pacific Bay Resort site. The masterplan has now been amended by NSW Department of Planning with confirmation of this provided to Council on 30 July 2010.

The current proposal is the result of a number of amendments to the application. The amendments have generally been in response to issues with the application provided by

Council. The issues raised are described in the consultation section of this report. These issues have now been resolved with the current proposal.

THE SITE:

Lot 5, DP 1112654 consists of a number of separate non-contiguous land parcels, over the Pacific Bay site, which were created as future development portions. The portion of Lot 5 proposed for development is mostly vacant but also contains the Pacific Bay Conference Facility.

Lot 6, DP 1112654 is the majority of the golf course property. The application proposes part of the subdivision road (the first 100 metres of the road from Charlesworth Bay Road and the cul-de-sac head) over Lot 6.

The site adjoins the Pacific Highway. The proposed development portion of Lots 5 is zoned 2E Tourist Residential under Council's Local Environmental Plan. Lot 6 is subject to a number of zones; 2E Residential (Tourist); 7B Environmental Protection (Scenic Buffer), 6C Open Space (Private Recreation) and 7A Environmental Protection (Habitat and Catchment). Both lots are within the NSW coastal zone.

CONSULTATION:

Advertising and Notification

The application was advertised and notified in accordance with the Advertised Development provisions of the Environmental Planning and Assessment Regulation from 2 July 2010 to 2 August 2010. No submissions have been received.

State government referrals

The application was referred to

- NSW Rural Fire Service – Integrated Development
- NSW Office of Water – Integrated Development
- NSW Department of Environment Climate Change and Water
- NSW Roads & Traffic Authority – State Environmental Planning Policy (Infrastructure)

Both NSW Rural Fire Service and NSW Office of Water have given their general terms of approval.

NSW Department of Environment Climate Change & Water and NSW Roads and Traffic Authority have both provided responses. They do not raise any issues that prevent approval of the application.

Council internal referrals

Council internal departments have provided comment on the development proposal. No comments have been received that prevent approval of the application.

Consultation with applicant

Council has written to the applicant and had a number of onsite meetings with the applicant to resolve specific issues with the application.

Council had the following issues with the application.

- construction and use of an alternative car park for the Pacific Bay Conference facility does not form part of the application.
- proposed car parking on an adjoining allotment, some distance from the facility is not a satisfactory arrangement.
- road for the subdivision over adjoining land is undesirable.
- parts of the conference facility encroach onto community property for the subdivision.
- there is insufficient buffer between residential allotments and water bodies.
- Acid Sulfate Soils is not satisfactorily addressed in the Statement of Environmental Effects.
- Compliance with conditions of the Masterplan is not satisfied by the current application.
- Clarification and review of approvals sought – modification of application from 30 lots to 32 lots required.

These matters have now been satisfactorily resolved and are addressed in the issues section of this report

STATUTORY MATTERS:

The following Environmental Planning Instruments are relevant to assessment.

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy 71 – Coastal Protection
- State Environmental Planning Policy (Infrastructure)
- City of Coffs Harbour Local Environmental Plan 2000

The following Development Control Plans are relevant to assessment of this application.

- Residential Tourist Lands Development Control Plan
- Subdivision Development Control Plan
- Off-Street Parking Development Control Plan

All of these matters are considered in detail in the Section 79C Evaluation report appended to this report.

ISSUES:

Conference centre car parking

Car parking for the Pacific Bay Conference Facility currently exists in two parts. One immediately adjoining the conference centre building and another that is slightly further

from this area. The proposed residential allotments are in this second area of car parking. The traffic assessment report submitted with the original application, suggested a possible future parking location on another part of Pacific Bay Resort (a separate lot) approximately 250 metres from the conference facility. Council considered this to be an unsuitable arrangement.

The application has now been amended to include reconfiguration of the existing car park so that an additional 33 car parking spaces can be provided.

This arrangement is an acceptable solution to the car parking issue. The additional car parking provided by this reconfiguration should be provided prior to any construction work commencing in the location of the existing car park. This is required by a condition of development consent.

Buffer to Waterbodies:

The application originally indicated that residential allotment boundaries extend to the boundary of water bodies on the site.

The application has been amended to include boundary adjustments to the common boundary between Lot 5 and Lot 6 DP 1112654 so that lot 6 will include all of the existing water bodies and an appropriate buffer distance of approximately five metres.

Road for the subdivision over adjoining land:

The road for this subdivision comes from Bay Drive over Lot 6, DP 1112654 and onto Lot 5, DP 1112654. It is proposed to leave the land occupied by the road in the ownership of Lot 6 with property access rights being provided by a right of way.

This is not a typical arrangement for a residential subdivision but there are a number of other allotments within Pacific Bay Resort that have access by right of carriageway. The proposed right of way will provide satisfactory access rights for the subdivision.

Encroachments of resort onto community property

The original proposal had encroachments of the conference facility over the residential community lot. This has been amended and the proposed development is now satisfactory in this regard.

Road Traffic Noise:

The proposed residential allotments adjoin the Pacific Highway. The application was referred to the NSW Roads and Traffic Authority for their comment on matters relevant to State Environmental Planning Policy (Infrastructure) 2007. An acoustic assessment was submitted with the application. The report assesses compliance of future dwellings with the standards contained in the NSW Department of Environment, Climate Change and Water document *Environmental Criteria for Road Traffic Noise*.

The report concludes that dwellings in the subdivision will not comply with the recommended noise criteria unless noise mitigation measures are incorporated into the construction of the dwellings. The report recommends that, to meet the relevant internal noise level criteria, dwellings be constructed to meet Category 2 under Australian Standard AS3671:1989 *Acoustics - Road Traffic Noise Intrusion – Building Siting and Construction of the dwellings*.

This is required by a condition of development consent.

Acid Sulfate Soils

An amended acid sulfate soils assessment has been submitted that addresses all necessary matters of clause 23 of Coffs Harbour City Local Environmental Plan 2000. The proposed development will be acceptable with respect to potential acid sulfate soils.

Compliance with Approved Masterplan for the site:

The application will comply with conditions of the approved masterplan.

SUMMARY:

This application as submitted had a number of matters that prevented approval of the application. These matters have all been addressed by either provision of additional information or amendment of the application.

The development is now acceptable in terms of previously raised issues and all relevant planning controls.

The application is considered suitable for conditional approval.

RECOMMENDATION:

1. **That Development Application No. 1209/10 for residential subdivision, lot 5, DP 1112654 & lot 6, DP 1112654, Pacific Bay Resort, Resort Drive, Coffs Harbour, be approved subject to conditions specified in Appendix B.**

APPENDIX A

Section 79C Evaluation Development Application 1209/10

a. the provisions of,

i. any environmental planning instrument, and

- ***Mid North Coast Regional Strategy***

The Mid North Coast Regional Strategy identifies Coffs Harbour as a major regional centre. The proposed development will provide additional residential land stock and will reinforce the role of Coffs Harbour as a regional centre.

- ***North Coast Regional Environmental Plan***

Most provisions of the North Coast Regional Environmental Plan relate to plan preparation.

Clause 32B *Development Control-Coastal Lands* requires consideration.

This clause requires consideration of the following documents due to location of the site with the NSW Coastal Policy 1997 zone.

- (a) the NSW Coastal Policy 1997,
- (b) the Coastline Management Manual, and
- (c) the North Coast: Design Guidelines.

The proposed development is not inconsistent with any of the provisions referred to in these documents.

- ***State Environmental Planning Policy (SEPP) No 71 - Coastal Development***

Clause 18 requires that there be an approved masterplan under this policy before consent may be granted. A masterplan does apply and has been approved for the site.

Clause 19 requires consideration of any approved masterplan in determination of any development application.

The provisions of the approved masterplan have been considered. The proposed development is consistent with the approved masterplan.

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration and development control provisions. Clauses of particular relevance are discussed further below:

Clause 7 – Application of Clause 8 Matters

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- Matters pertaining to Aboriginal cultural heritage significance have been assessed via a relevant Archaeological report, management plan and consent conditions.
- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not adversely impact upon the scenic quality of the surrounding locality.
- The site is not affected by coastal hazards.
- The proposed development, in terms of type, location and design, is considered to be compatible with its locality.

- The proposal will not result in significant impacts to flora and fauna present.

Clause 16 – Stormwater

Clause 16 specifies that Council must not grant consent to development where stormwater will, or is likely to, be discharged untreated into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water.

Water Sensitive Urban Design Measures are proposed for this development. The proposed development will be satisfactory with respect to this issue.

- ***State Environmental Planning Policy – Major Development***

The application comprises subdivision for residential purposes of land into more than 25 lots (but not more than 100 lots) for a site that is within the NSW Coastal Zone (pursuant to clause 13C(c)) and, as a result, (pursuant to clause 13F) the Joint Regional Planning Panel is the consent authority for this application. There are no other matters to consider under this policy.

- ***Coffs Harbour City Local Environmental Plan (LEP) 2000***

Zoning

The subject site is zoned Residential 2E (Tourist), Open Space 6C (Private) and Environmental Protection 7B (Scenic Buffer) under Coffs Harbour City Local Environmental Plan. The area of the proposed residential allotments is all zoned Tourist Residential 2E. The Environmental Protection 7B zone runs along the Pacific Highway as a twenty metre wide strip. Most of Lot 6, DP 1112654 is zoned 6C. Under the current proposal only the access road will occur within Lot 6. The proposed development is permissible under the zoning of the land with consent.

Clause 12 – Koala Habitat

This clause requires that all development be in accordance with a Koala Plan of Management. The application was referred to the Department of Environment and Climate Change.

Under Council's adopted Koala Plan of Management Lot 6 contains Primary Koala Habitat. The mapped area is some distance from the area of the proposed residential lots. The application was referred to the NSW Department of Environment and Climate Change. The development will not result in the removal of any native vegetation and will not result in barriers to Koala movement.

The flora and fauna assessment report provided with the application provides some recommendations. They mostly relate to future housing development within the subdivision and carrying out of these recommendations would be best achieved by incorporation into the community management statement. This is required by a condition of development consent.

Clause 14 - Services

Satisfactory water supply, sewerage and drainage will be available for the proposed development. There are no other matters to consider under this provision.

Clause 23 (1) to (8) - Potential Acid Sulfate Soils

The subject land is mapped as Class 3 and 5 acid sulfate soils; therefore some likelihood that acid sulfate soils will be encountered at excavations greater than one metres in depth. Testing for acid sulfate soils has been carried out as required by this provision and there was no evidence of acid sulfate soils.

- **State Environmental Planning Policy (Infrastructure)**

The proposed development was referred to the NSW Roads and Traffic Authority to obtain their view on the proposal with respect to clause 101 and 102 of State Environmental Planning Policy (Infrastructure) 2007.

They advised that the intersection of Charlesworth Bay Road and the Pacific Highway has sufficient spare capacity to accommodate the subdivision and that the subdivision should consider the NSW Department of Environment, Climate Change and Water document Environmental Criteria for Road Traffic Noise.

The subdivision does consider this document and with appropriate conditions the proposed development will be satisfactory with respect to this issue.

ii. any Development Control Plan (DCP)

- **Residential Tourist Lands Development Control Plan**

There are very few provisions of this plan that relate to subdivision.

The character statement of the Korora/Diggers Beach area refers to “*development of a medium or high density tourist nature with buildings in a landscaped setting*”.

The proposed development will not be inconsistent with this character setting given the location of the residential lots amongst the tourist uses provided by the Pacific Bay Resort. Each owner of residential lots will have property entitlements to use of the facilities of the resort.

The proposal satisfies the density requirements of this plan.

- **Subdivision Development Control Plan**

The proposal satisfies all the requirements of this plan.

- **Off Street Car Parking Development Control Plan**

Car parking is a matter that requires consideration as the proposal now involves the reconfiguration of the existing conference centre facility car park as replacement car parking. The conference facility is defined as a tourist facility. This development control plan species that the rate of car parking is to be determined by a car parking study and one was prepared and submitted with this application.

This study has been reviewed and is considered an appropriate assessment of likely car parking demand. The reconfiguration of the car park will provide for an additional 33 car parking spaces and these car parking spaces should be

provided prior to work commencing within the subdivision so that there will be no interruption to the conference facility operation.

iii. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

There are no matters as required by the regulations and that relate to the proposed development that require consideration under this section.

b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,

1. The natural and built environment

The development has potential to impact on the environment during construction. A number of conditions of development consent are proposed to address potential 'during construction' impacts

There are proposed conditions that address

- Sediment and Erosion
- Appropriate procedures in the event Aboriginal Objects are found during construction

It is considered that with imposition of these conditions the proposed development will not result in unacceptable impacts on the natural or built environment.

2. Social Impacts

There are a number of proposed conditions that will address issues relating to potential social impacts including impacts relating to

- Construction Noise
- requirements for Site notification and construction contact persons
- Dust Control
- Car Parking

The distance separation between residential areas and the area of proposed residential development is great enough such that any construction impacts on residential amenity will be negligible.

It is considered that, with imposition of these conditions that the proposed development will not result in unacceptable social impacts.

c. the suitability of the site for the development,

The site is considered suitable for the proposed development.

d. any submissions made in accordance with this Act or the regulations,

Council received some submissions from NSW government departments and these have been considered as part of the determination.

There have been no submission made my the general public as a result of public notification.

e. the public interest:

The proposed development does not present any issues that are contrary to the public interest.

APPENDIX B

ADMINISTRATIVE CONDITIONS

Prescribed Conditions:

1. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 1209/10).

Plan No. / Supporting Document(s)	Dated
Statement of Environmental Effects of JBA Urban Planning Consultants	May 2010
Site Surveys of Newnham Karl Weir & Partners	1 February 2011
Geotechnical Investigation of Coffey Geotechnics	October 2009
Acoustic Assessment of Heggies	January 2010
Bushfire Risk Management Plan of Bushfiresafe	September 2010
Water Quality Study of Hyder Consulting	March 2010
Flora and Fauna Assessment and Fauna Management Plan of Bushfiresafe	September 2009
Traffic Management Plan of RoadNet	March 2010
Golf Course Precinct Design Guidelines of JBA Urban Planning Consultants	May 2010
Acid Sulfate Soils assessment of Coffey Geotechnics	September 2010

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.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

3. No subdivision work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

Stormwater Management Plan:

4. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of the Construction Certificate**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site www.chcc.nsw.gov.au.

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council WSUD Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows.

The design shall be accompanied by an Operation and Maintenance Plan for the system.

Manoeuvring Areas:

5. Adequate manoeuvring areas for service vehicles (including garbage trucks and temporary manoeuvring areas where the development is staged) complying with Council's Development Design and Construction Specification being provided in the development. Details of manoeuvring areas are to be submitted and approved **prior to issue of the Construction Certificate**.

Geotechnical Engineering Report:

6. A Geotechnical Engineering Report being submitted to Council for approval **prior to release of the Construction Certificate** indicating the suitability of the land for the proposed development and detailing any special building practices required for construction of the proposed development.

Street Names:

7. A street name application being submitted to Council **prior to issue of the Construction Certificate**.

Road Design and Services (Subdivision):

8. The following works:
 - a) roads;
 - b) water supply;
 - c) sewerage;
 - d) stormwater drainage including WSUD requirements,

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Plans and specifications are to be submitted to Council and approved **prior to issue of the Construction Certificate**. Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

All work is to be at the developer's cost.

Erosion and Sedimentation Control:

9. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Management Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority **prior to issue of a Construction Certificate**.

Fill:

10. Contour plans indicating the location of proposed fill areas in the subdivision being submitted and approved by Council **prior to issue of the Construction Certificate**.

Contour plans are to include a clear description of impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

Car Parking:

11. The existing conference centre car park being reconstructed, sealed and linemarked to provide an additional 33 car parking spaces, in accordance with the plan of Hyder Consulting titled *Siteworks Plan Sheet 2*, Drawing No. DA002, Project No. AA002817, Issue P3. This work is to be completed, with certification of completion being provided **prior to release of the construction certificate**.

All car parking and vehicular manoeuvring areas being constructed in accordance with Council's Off-Street Carparking Development Control Plan. Carparking areas are to be maintained in a serviceable condition at all times.

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

12. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
- (1) Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Notice to be Given Prior to Commencement / Earthworks:

13. The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site;

The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Contact Telephone Number:

14. Prior to the commencement of the works for each stage of the development, the proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

Erosion and Sediment Control:

15. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

DURING CONSTRUCTION**Excavated Material:**

16. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the

DECCW "Waste Classification Guidelines" and shall comply with the terms of any approval issued by Council.

Approved Plans to be On-Site:

17. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Fill:

18. All fill to be placed in accordance with the Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Erosion and Sediment Control:

19. All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Dust Control Measures:

20. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - (1) All materials shall be stored or stockpiled at the best locations;
 - (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
 - (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - (4) Cleaning of footpaths and roadways shall be carried out regularly.
 - (5) Rumble grids being installed at access points to the site.

Hours of Work:

21. Construction works are to be limited to the following hours:

Monday to Friday	7.00 a.m. - 6.00 p.m.
Saturday	7.00 a.m. - 1.00 p.m. if inaudible from adjoining residential properties, otherwise 8.00 a.m. - 1.00 p.m.

No construction work is to take place on Sunday and Public Holidays.

Impact of Sub-surface Works – Aboriginal Objects:

22. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment, Climate Change and Water (DECCW), Northern

Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of DECCW and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Water and Sewerage Services – Developer Services Charges:

23. The **Subdivision Certificate not being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

Council Access – Community Title:

24. The following Clause being included in the neighbourhood management statement:
- a) Council, its servants and agents have the full and free right at all times to enter upon Neighbourhood Property and to operate vehicles and other equipment for the purpose of garbage and recycling collection, and to repair and maintain the statutory services and statutory service lines.
 - b) Council, its servants or agents shall not be liable for any damage caused to the Neighbourhood Property arising from the operation of any vehicle or other equipment as envisaged by Clause (*insert Clause Number*) except where such damage is caused by the negligence or recklessness of Council, its servants or agents;
 - c) The terms of this Clause may not be varied except with the prior written agreement of Council.

Section 94 Monetary Contributions:

25. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid **prior to release of any Subdivision Certificate** unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

STAGE 1

	\$ Per Lot
- Coordination and Administration	352.24
- Coffs Harbour Road Network	1,930.78
- Surf Rescue Equipment	98.75
- Neighbourhood Open Space	744.25

The Section 94 contribution is currently \$6,252.04 for the 2 additional lots proposed in Stage 1 of the subdivision.

STAGE 2

	\$ Per Lot
- Coordination and Administration	352.24
- Coffs Harbour Road Network	1,930.78
- Surf Rescue Equipment	98.75
- Neighbourhood Open Space	744.25

The Section 94 contribution is currently \$90,654.58 for the 31 additional lots proposed in Stage 2 of the subdivision. This includes a 2 lot credit of \$6,252.04

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2008.
- Coffs Harbour Road Network 2008.
- Surf Rescue Equipment 2008.

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

Services:

26. The Subdivision being provided with underground reticulated electricity and telephone cables. The applicant shall provide a letter from Country Energy stating that satisfactory arrangements have been made for the supply of electricity and a letter from Telstra stating that satisfactory arrangements have been made for telecommunications infrastructure in the subdivision / development. These letters are to be provided to Council **prior to release of the Subdivision Certificate**.

Street lighting being provided to the requirements of Country Energy with all work being completed **prior to release of the Subdivision Certificate**.

Work as Executed Plan:

27. **Prior to the issue of Subdivision Certificate**, a work as executed plan endorsed by a Registered Surveyor or Consulting Engineer (hard or digital format) being submitted to Council certifying that:
- All drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement;
 - The plans accurately reflect the work as executed.

Sediment and Erosion Control:

28. **Prior to the issue of a Subdivision Certificate** the site shall be stabilised to the Principal Certifying Authority's satisfaction which, as a minimum, shall be at least 50% grass cover or application of mulch or hydroseeding to all disturbed areas.

Reference to Design Guidelines in Community Management Statement

29. The Draft Community Management Statement, being amended to include reference to the "Golf Course Precinct Design Guidelines" prepared by JBA Urban Planning Consultants dated May 2010 and stating that all residential development is to be in accordance with the design guidelines and requiring the Community Association to obtain Council approval to any change to the Design Guidelines. A copy of the draft community management statement is to be submitted to Council and approved **prior to release of the subdivision certificate**.

Housing Design - Restriction:

30. A restriction on title (Section 88B Instrument) being created for residential lots in the subdivision to the effect that house proposals shall comply with the relevant Design Guidelines referenced in the Community Management Statement. Evidence of this being provided to Council **prior to release of the subdivision certificate**.

Geotechnical Engineering Report:

31. A Geotechnical Engineering Report being submitted to Council for approval **prior to release of the Subdivision Certificate** indicating the suitability of each lot for residential development and detailing any special building practices required for construction.

Acoustic Impacts – Future Housing:

32. A restriction as to user shall be created for all lots within the subdivision pursuant to Section 88B of the Conveyancing Act 1919 and must be registered on the title of each such lot. Registration must be effected in conjunction with registration of the Plan of Subdivision. The restriction requires Council's approval to variation or removal.

The restriction is to state that all future dwellings within the subdivision are to be constructed to meet "Category 2 construction under Australian Standard AS3671:1989 *Acoustics - Road Traffic Noise Intrusion – Building Siting and Construction*.

Details of this restriction are to be submitted with the application for construction certificate.

Flora and Fauna – Considerations:

33. All recommendations of the Flora and Fauna Assessment of Bushfiresafe dated September 2009 that relate to future residential development within the subdivision are to be included as requirements for future development within the community management statement.

Details of this are to be provided with the application for subdivision certificate.

INTEGRATED TERMS OF APPROVAL CONDITIONS

General Terms of Approval – The NSW Office of Water:

34. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of the development application is land and material in or within 40 metres of the top of the bank or shore of the river identified.
35. The consent holder must prepare or commission the preparation of:
- Vegetation Management Plan;
 - Works Schedule;
 - Erosion and Sediment Control Plan;
 - Soil and Water Management Plan;
36. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled_.shtml.
- Vegetation Management Plans;
 - Laying pipes and cables in watercourses;
 - Riparian Corridors;
 - Outlet structures.
37. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

38. The consent holder must carry out a maintenance period of 2 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
39. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
40. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
41. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
42. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
43. The consent holder must stabilize drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
44. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
45. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
46. The consent holder must ensure that any excavation does not result in (i) diversion of any (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

General Terms of Approval –NSW Rural Fire Service:

47. At the issue of subdivision certificate and in perpetuity, the land on the proposed adjoining golf course surrounding the proposed dwelling(s) on Lots 1 to 16 and 22 to 30, to a distance of 10 metres, shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *"Planning for Bush Fire Protection 2006"* and the NSW Rural Fire Service's document *"Standards for Asset Protection Zones"*.
48. At the issue of Subdivision Certificate and in perpetuity, the land surrounding the existing caretakers residence, to a distance of 20 metres, shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *"Planning for Bush Fire Protection 2006"* and the NSW Rural Fire Service's document *"Standards for Asset Protection Zones"*.
49. Water, electricity and gas are to comply with Section 4.1.3 of "Planning for

Bush Fire Protection 2006”.

50. Landscaping to the site is to comply with the principles of Appendix 5 of *“Planning for Bush Fire Protection 2006”*.
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