

# MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT COFFS HARBOUR CITY COUNCIL ON FRIDAY 18 FEBRUARY 2011 AT 9:30 AM

## PRESENT:

Garry West	Chair
Pamela Westing	Member
Bruce Clarke	Member
Ben Lawson	Member
Cr Keith Rhoades	Member

## IN ATTENDANCE

Gilbert Blackburn	Senior Development Planner
Chris Chapman	Director, Land Use, Health and Development

## APOLOGY:

1. The meeting commenced at 9.30 am. The Chair welcomed everyone to the meeting of the Northern Region Joint Regional Planning Panel.

## 2. Declarations of Interest - Nil

## 3. Business Item

**ITEM 1** 2010NTH018 Coffs Harbour DA No. 1209/10 – Residential Subdivision - Golf Course Precinct, Coffs Harbour, Pacific Bay Resort, Resort Drive, Coffs Harbour, (Lot 5, DP 1112654 & Lot 6, DP 1112654)

## 4. Public Submission

Kirk Osborne and Angie Croy, JBA Planning, addressed the panel

## 5. Business Item Recommendation

2010NTH018 Coffs Harbour DA No. 1209/10 – Residential Subdivision - Golf Course Precinct, Coffs Harbour, Pacific Bay Resort, Resort Drive, Coffs Harbour, (Lot 5, DP 1112654 & Lot 6, DP 1112654)

**Moved:** Pamela Westing **Seconded:** Ben Lawson

That the Panel adopt the Council officer's recommendation to approve the proposal subject to conditions specified in Appendix B as amended, the amendment includes deletion of draft condition 11, renumbering of all conditions and the insertion of new condition requested where appropriate, as contained in Attachment A

**MOTION CARRIED UNANIMOUSLY**

The meeting concluded at 9.35 am.

Endorsed by

A handwritten signature in cursive script, reading "Garry West". The ink is dark and the signature is fluid.

Garry West  
Chair, Northern Region Joint Regional Planning Panel  
21 February 2011

## ATTACHMENT A

*Joint Regional Planning Panel*

## APPENDIX B

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### **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).

<b>Plan No. / Supporting Document(s)</b>	<b>Dated</b>
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 Coffs 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](http://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.

## **PRIOR TO COMMENCEMENT OF WORKS**

### **Site Notice:**

11. 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:**

12. 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:**

13. 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:**

14. 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:**

15. 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:**

16. 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:**

17. 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:**

18. 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:**

19. 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:**

20. 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:**

21. 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**

**Conference Centre Car Parking**

22. The conference centre car parking currently in the area of the proposed residential allotments is to remain available until the existing conference centre car park has been 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 subdivision certificate.

All car parking and vehicular manoeuvring areas should be 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.

**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](http://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](http://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"*.