

**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	2013NTH001
DA Number	489/13
Local Government Area	Coffs Harbour City Council
Proposed Development	SUBDIVISION (222 lot residential subdivision including tree removal, demolition works, landform modification, road construction and dedication of reserves)
Street Address	Lot 12 DP 861055 and Lot 221 DP 620736, 465A Pacific Highway, Coffs Harbour
Applicant/Owner	Plantation CHS Pty Ltd C/- Geoff Smyth Consulting
Number of Submissions	Three
Recommendation	Approval with Conditions
Report by	Mark Hannon Project Manager Development
Report date	September 2013

JOINT REGIONAL PLANNING PANEL REPORT

DEVELOPMENT ASSESSMENT REPORT DEVELOPMENT APPLICATION NO. 489/13

SUBDIVISION (222 lot residential subdivision including tree removal, demolition works, landform modification, road construction and dedication of reserves) at Lot 12 DP 861055 and Lot 221 DP 620736, 465A Pacific Highway, Coffs Harbour.

Purpose of this report:

This report provides an assessment of Development Application No. 489/13 for a 222 lot residential subdivision including tree removal, demolition works, landform modification, road construction and dedication of reserves at Lot 12 DP 861055 and Lot 221 DP 620736, 465A Pacific Highway, Coffs Harbour.

As the application is for coastal subdivision under schedule 4A of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning (State and Regional Development) 2011 determination of the application is to be made by the Northern Joint Regional Planning Panel.

The trigger for the Panel to determine this application is Clause 9 of Schedule 4A of the Act, *"Coastal subdivision"...."development within the coastal zone for the purposes of subdivision of the following kind:....(b) subdivision of land for residential purposes into more than 100 lots, if the land:...(i) is not in the metropolitan coastal zone, or (ii) is wholly or partly in a sensitive coastal location"*. The proposed residential subdivision is for more than 100 lots, the land is not in the metropolitan coastal zone, the land is however in the coastal zone, a part of which is mapped as a sensitive coastal location.

Conditional Approval of the Development Application is recommended.

The Site:

The development site is located to the south of Stadium Drive and east of the Pacific Highway in the South Coffs Urban Release Area. The site has an area of 31.73 hectares.

The site contains remnant forested habitats however it has been disturbed over time by clearing and farming activities.

As evident from the zoning and aerial plans the site is bound by vacant commercial zoned land to the north-west, public open space to the north and north-east (sporting fields and Cex Stadium), industrial land to the west (western side of highway), undeveloped residential zoned land to the east and forested land to the south. Much of the adjoining land is vacant however a medical centre (GP super clinic) is under construction on the eastern corner of Ted Ovens Drive and Stadium Drive, east of the site.

The Proposal:

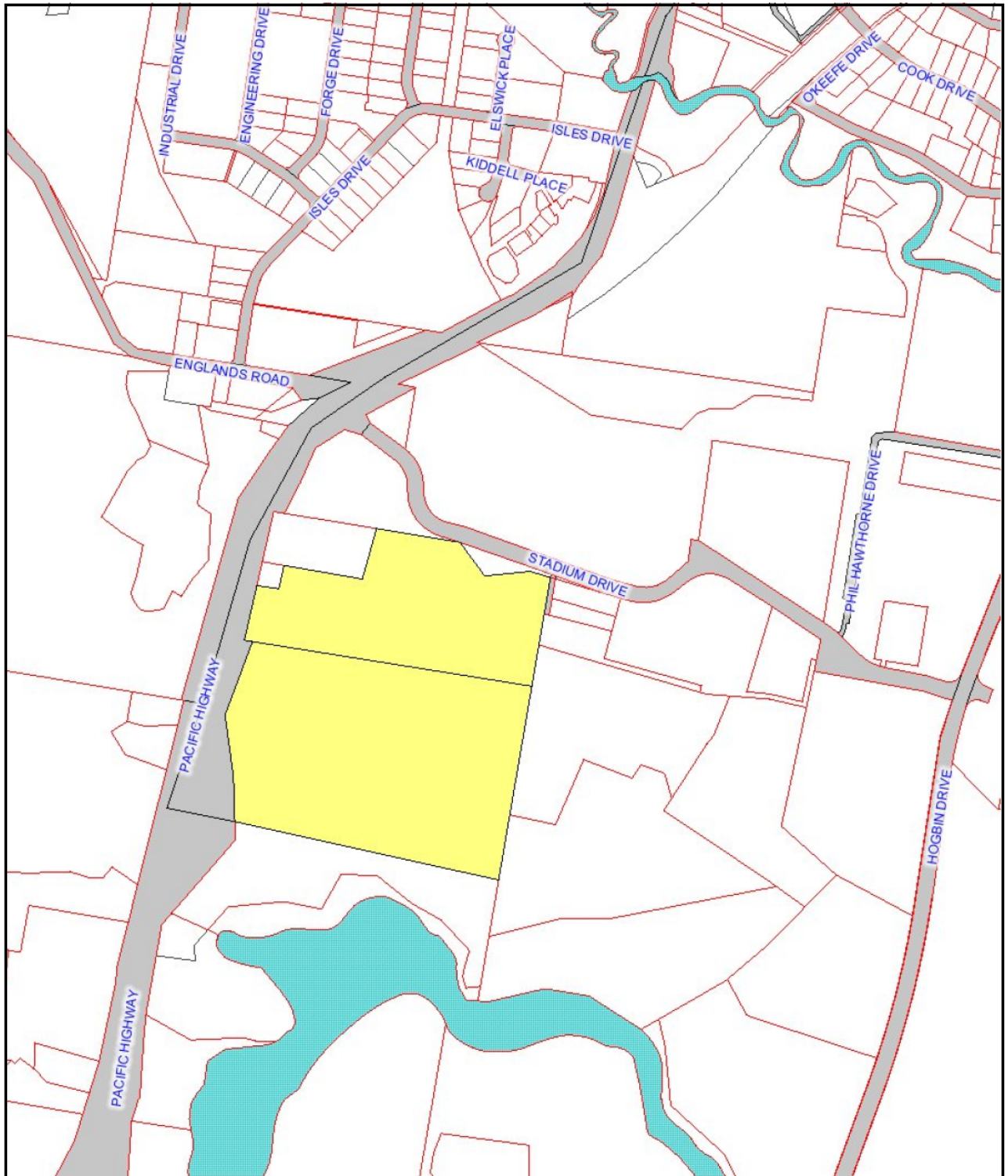
The initial application, submitted in December 2012 comprised 226 residential lots. The application was subsequently amended in April 2013.

The proposed development comprises:

- Subdivision (222 residential lots)
- Tree Removal
- Demolition works
- Landform Modification (cut and fill works to create lots, roads and servicing)
- Road Construction

- Dedication of Reserves

Access to this subdivision is via Ted Owens Drive, off Stadium Drive. Lots range in area from 550sqm to 1200sqm. The layout is designed having regard to the steep topography of the site and to areas of significant native vegetation. The proposal will require substantial landform modification works. The subdivision will be staged (9 stages). Significant parts of the site will be transferred to Council as open space. Attachment A contains plans of the proposal.





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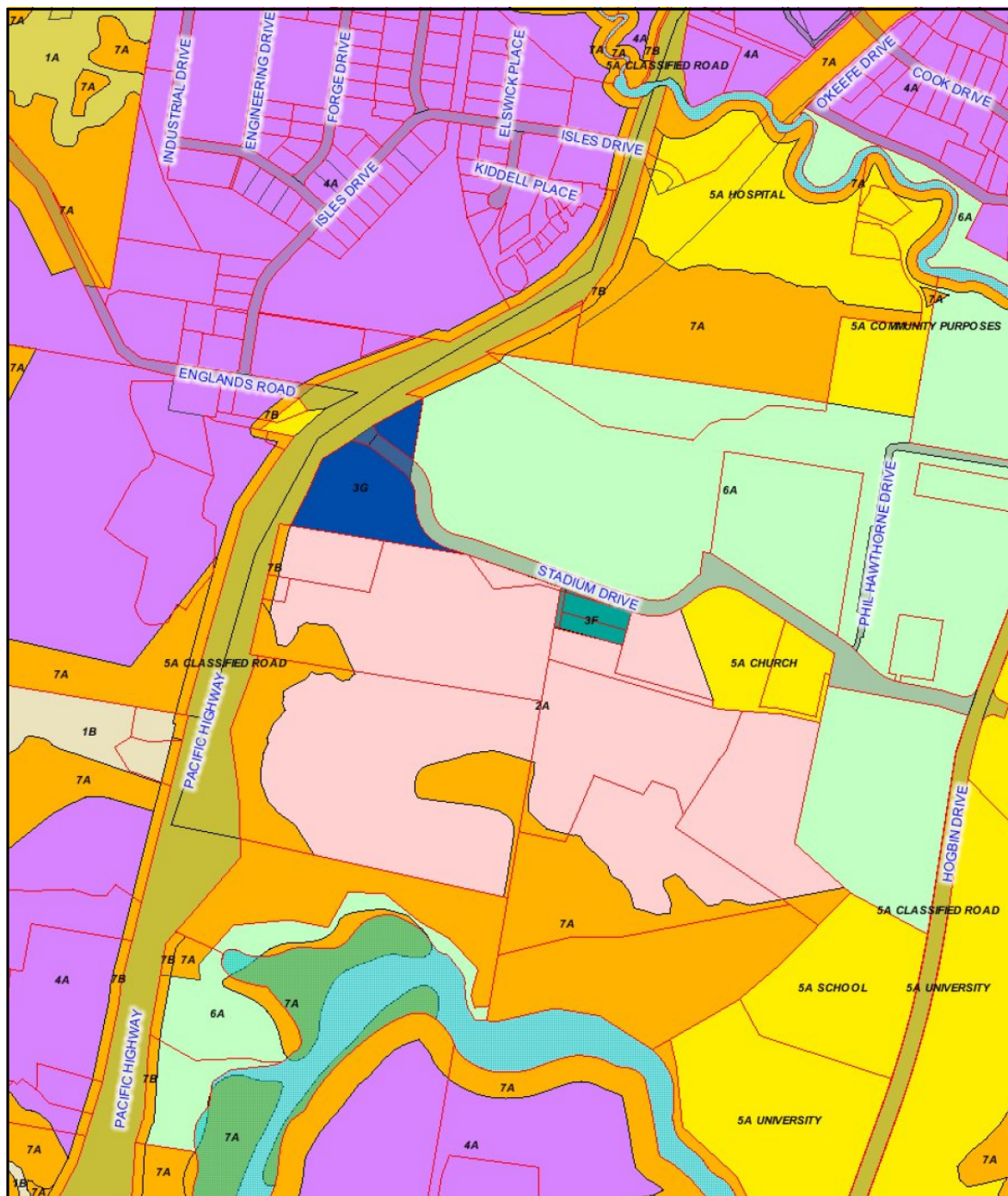
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Projected Coordinate System - GDA 1994, MGA Zone 56



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Projected Coordinate System= GDA 1994, MGA Zone 56

Consultation:

The application was publicly exhibited from 14 February 2013 to 15 March, 2013. Three submissions were received.

The application was referred to the NSW Rural Fire Service, Roads and Maritime Services, NSW Office of Water, Office of Environment and Heritage and the NSW Police. The application was also referred to a number of Council's technical sections for review and comment. The content of the agency responses and the advice of technical sections of Council is considered in the Section 79C evaluation (appended to this report) and, where relevant, is considered in the issues section of this report.

Approval Terms have issued from NSW Rural Fire Service and NSW Office of Water. Matters relating to aboriginal cultural heritage raised by the Office of Environment and Heritage have been included in the recommended consent conditions. Matters relating to the Stadium Drive / Pacific Highway roundabout raised by the Roads and Maritime Services have been included in the recommended consent conditions.

Statutory Requirements:

- **Section 79C Evaluation:**

Section 79C of the Environmental Planning and Assessment 1979, specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

The Section 79C evaluation is appended to this report and provides a detailed assessment of the application.

- **Relevant Statutory Instruments:**

The following environmental planning instruments are relevant to the assessment of this application:

- Environmental Planning and Assessment Act 1979;
- North Coast Regional Environmental Plan;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71 – Coastal Protection;
- State Environmental Planning Policy (Infrastructure) 2007;
- Coffs Harbour City Local Environmental Plan 2000.

These instruments are considered in detail in the Section 79C assessment appended to this report as Attachment B.

- South Coffs Development Control Plan.

This plan is considered in detail in the Section 79C assessment appended to this report.

Issues:***Biodiversity:***

The site contains areas identified as 'Primary Koala Habitat' under Council's Koala Plan of Management. There are 3 main areas on the site that have been identified to be retained. These areas are intended to be dedicated to Council as public reserves. While other areas will be cleared to enable road construction and preparation of lots for residential development some isolated trees that are identified as being significant will be retained. A large area along the western boundary of the site will be re-vegetated to compensate for the loss of vegetation. This area will provide a link to areas on adjoining properties also identified as being primary koala habitat. Biodiversity considerations are adequately considered for the development.

Aboriginal Cultural Heritage:

The site and adjoining sites have been identified as potentially being of significance in terms of Aboriginal Cultural Heritage. The 2 areas of particular interest are the western side of Ted Ovens Drive and along the ridge line of the site. The area near Ted Ovens Drive may contain items of Aboriginal Cultural Significance while the ridge line was traditionally used as a lookout by the indigenous inhabitants. The development application was referred to the Office of Environment and Heritage for comment. OEH advised that an Aboriginal Heritage Impact Permit was not required however conditions have been recommended to be included in the development consent to ensure appropriate action is taken in the event that objects of Aboriginal Cultural Heritage significance are found during subdivision works.

Traffic:

The proposed subdivision will generate a considerable amount of traffic once the lots are developed for residential purposes. A number of traffic studies were submitted with the development application to address traffic impacts of the subdivision including likely impacts on the Pacific Highway and Stadium Drive. The development application was referred to the Roads and Maritime Services in accordance with section 104 of State Environmental Planning Policy (Infrastructure) 2007 as the proposal is identified as a traffic generating development. The RMS has recommended that the development include an additional approach lane (50 metres) for shared left and through traffic on the Stadium Drive approach to the Pacific Highway roundabout. The consent has been conditioned accordingly.

Noise:

The site adjoins the Pacific Highway and the Coffs Coast Sports and Leisure Park. Residential development within the subdivision will be exposed to traffic noise from the highway and noise from the sports fields. A noise impact assessment was submitted with the development application. A restriction will be placed on the title of the affected lots requiring future house designs to be in accordance with the relevant NSW Environment Protection Authority Environmental Guidelines. Conformity to these controls will cover noise impacts on future housing from both sources.

Proximity to Council's Waste Management Facility:

Council's Waste Management Facility, the Coffs Coast Resource Facility, is located less than 400m west from the site. This facility is licensed and regulated by the Environment Protection Authority. Lots within the proposed subdivision may be affected by odour at times due to operations at the facility. The South Coffs Development Control Plan indicates that no additional dwellings or accommodation are to be constructed within 400m of the Coffs Coast Resource Facility. This provision is erroneous as it reflects an initial odour buffer that was proposed under a draft local environmental plan. Detailed investigations in relation to the need for this buffer were undertaken prior to finalisation of the local environmental plan process determining that a buffer was not considered necessary.

Land Contamination:

A preliminary soil contamination assessment was submitted with the development application to determine if the land is suitable to be developed for residential purposes. It was identified that a section of the site is required to be remediated. A remedial action plan has since been prepared. Site remediation works will be required to be undertaken prior to the issue of any Subdivision Certificate. A site validation report will be required to be prepared following the remediation works to demonstrate that the site is suitable to be used for residential purposes and to satisfy Section 7 of State Environmental Planning Policy No. 55 – Remediation of Land.

Neighbourhood Park:

The location of the neighbourhood park was negotiated with the proponent to reposition this facility to a more central location, whilst at the same time preserving the former location, an area adjacent to the entry to the development, that has been identified as potentially containing aboriginal artifacts.

Proximity to Banana Growing:

A banana farm adjoins the site to the east. No aerial spraying is conducted on this farm. This farm is zoned for residential purposes and is an integral part of the urban release area. In time it will revert to an urban use. The subject development comprises 7 lots that are adjacent to this farm, with other lots separated by a perimeter road. It is considered that the different uses will coexist, noting that the majority of the lots in close proximity to the banana farm are nominated in Stage 9 (being the final stage) of the subdivision.

Density:

The proposal is for 222 residential lots when the DCP specifies 131 lots, as a minimum.

Proposed lot 99 (stage 3), located in the north-western portion of the site comprises land zoned 2A, 7A and 7B. This lot is also identified in the application as being, possibly, resumed by the RMS for the new southbound on-ramp for the proposed Coffs Harbour by-pass. This lot is not considered suitable as a residential lot due to zoning, environmental and public interest considerations, and should consequently be added to the public reserve area.

This matter has been resolved with the proponent and the plans have been amended accordingly (with lot 99 now comprising only 7A zoned land and forming part of the future public reserve dedication area). Lot 98 has been amended to include the 2A and 7B zoned parts of lot 99 (as initially proposed in the subdivision layout).

This means that the yield will now be 221. The overall DCP density exceedance, whilst significant, is acceptable and has been achieved by carefully balancing the sites constraints and opportunities for residential subdivision.

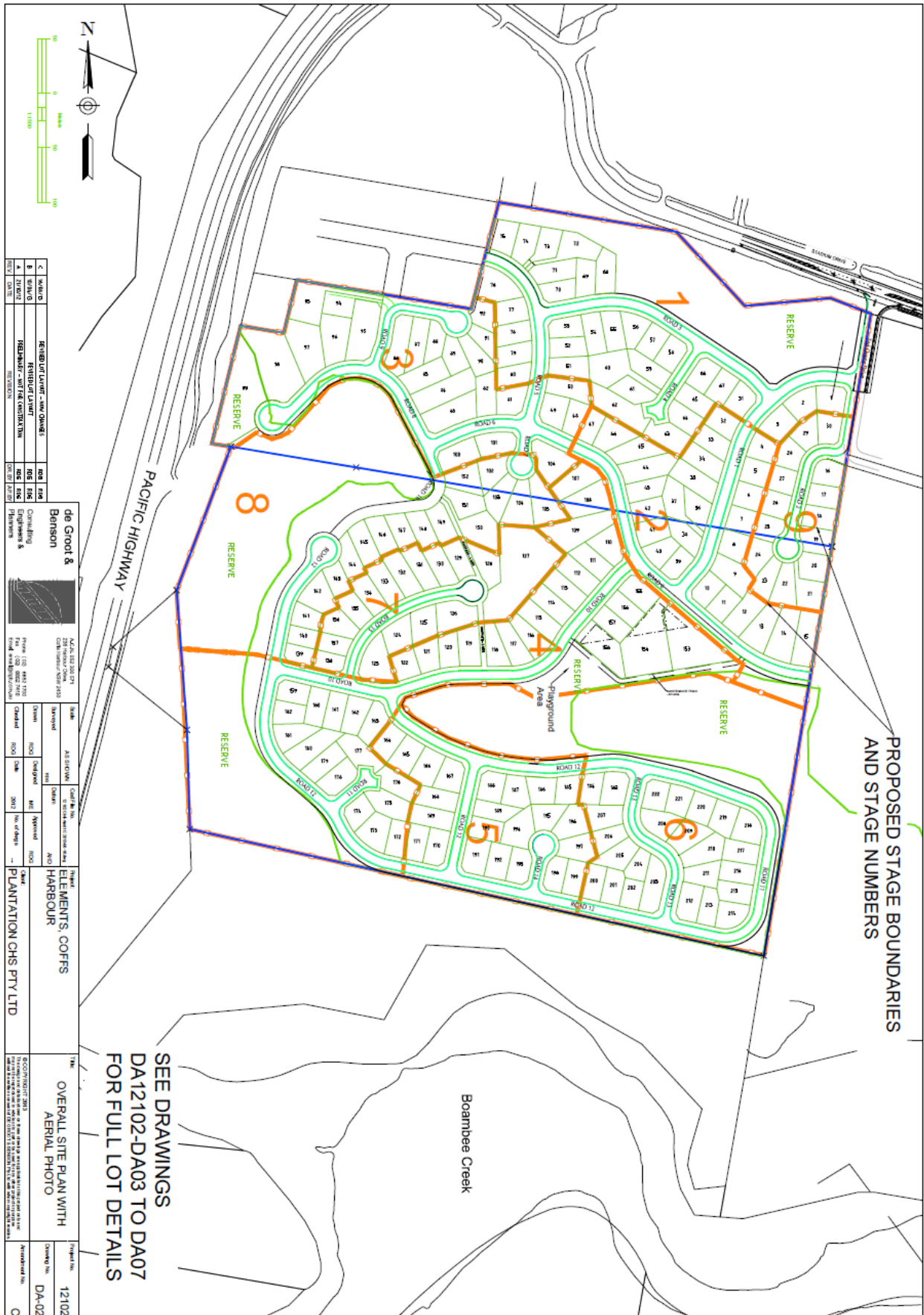
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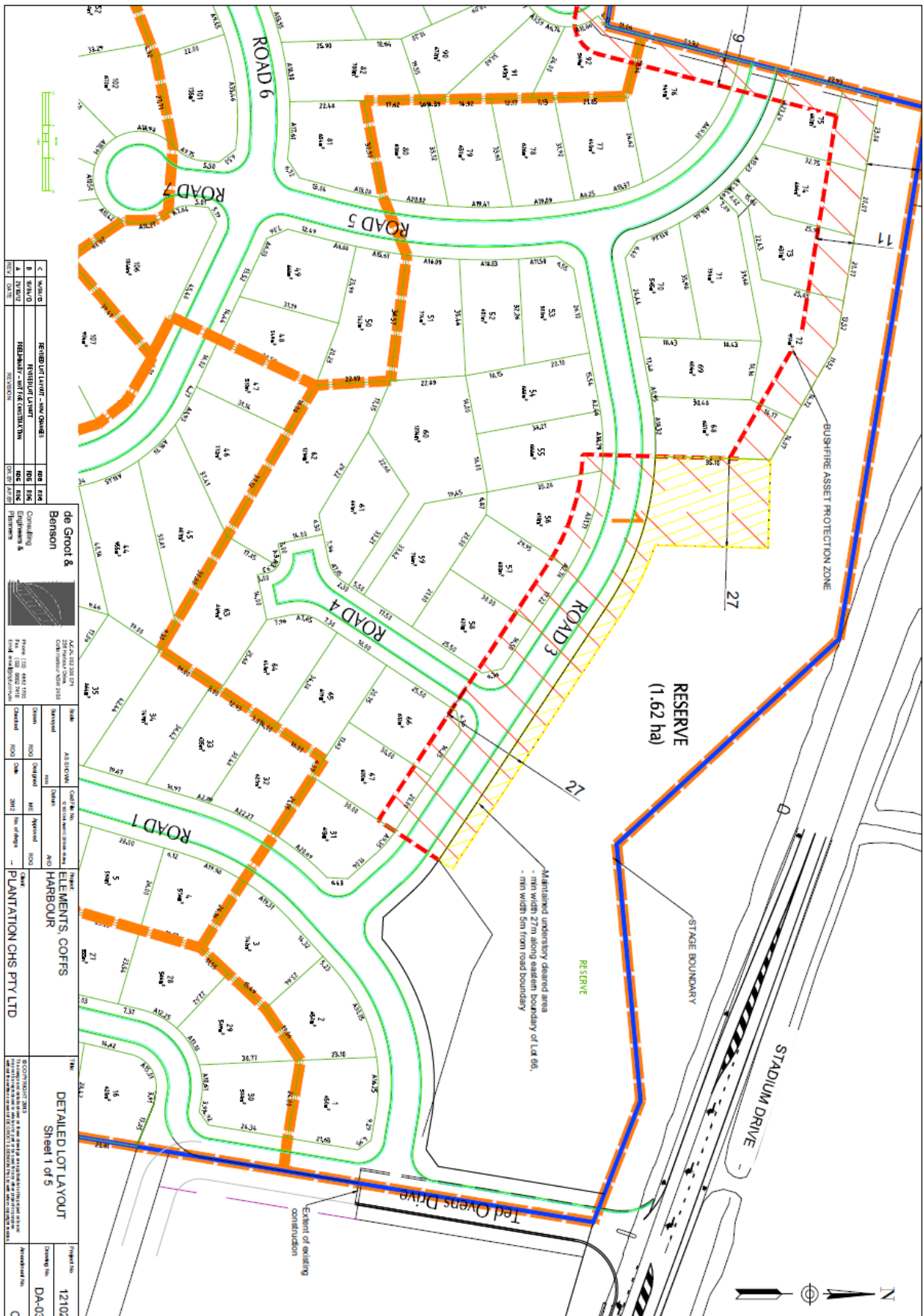
The development will allow for the urbanization of the South Coffs release area, in a location that is close to education and medical services, employment, retail and commercial areas and recreation areas. Normal transport and services infrastructure are available to the site for residential subdivision. The proposal will support the planned growth of Coffs Harbour and will be an important employment generator during the civil works and housing construction phases of the project.

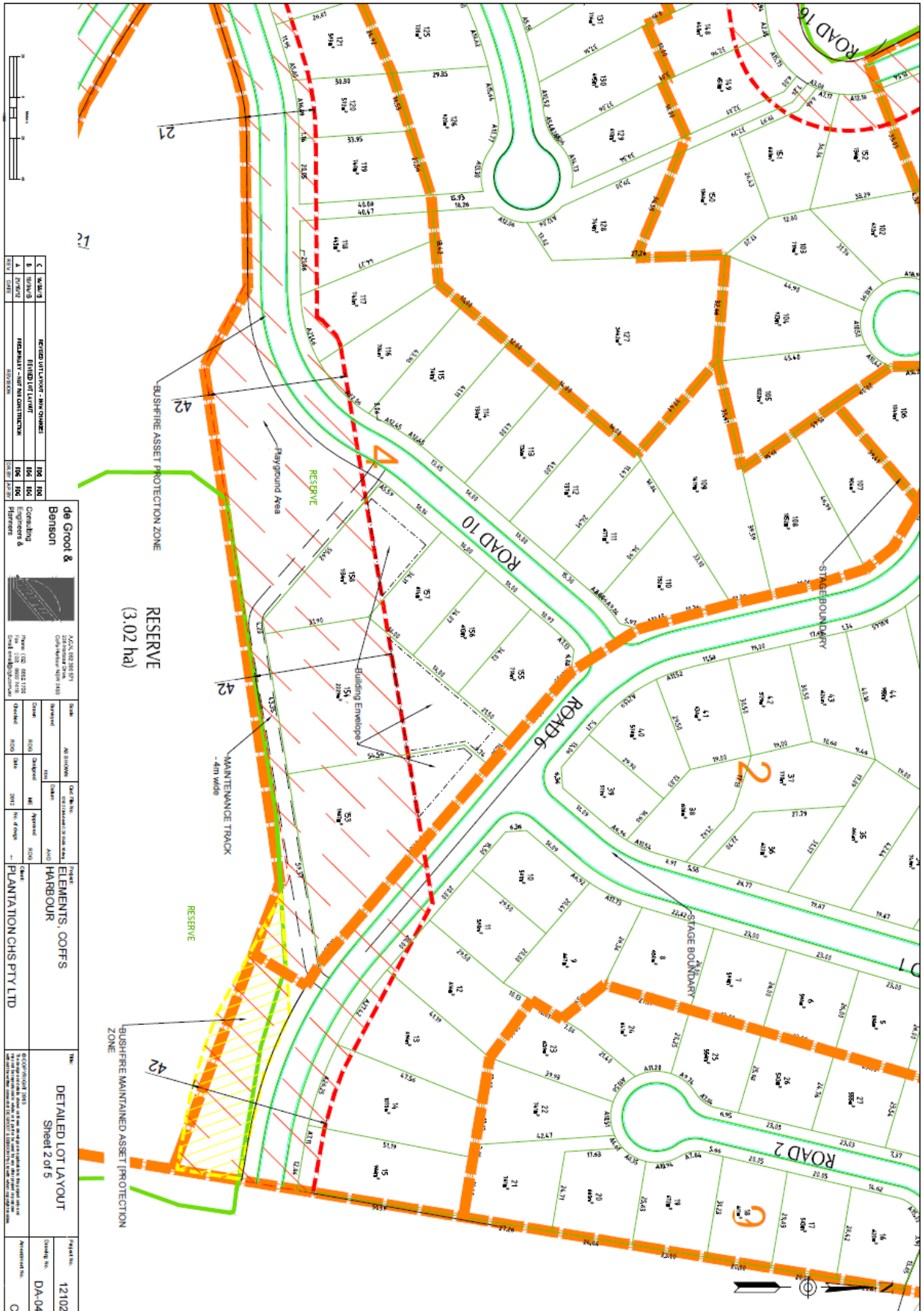
Recommendation:

- 1. That Development Application No. 489/13 for Subdivision (221 lot residential subdivision including tree removal, demolition works, landform modification, road construction and dedication of reserves) at Lot 12 DP 861055 and Lot 221 DP 620736, 465A Pacific Highway, Coffs Harbour be approved subject to conditions in Attachment C.**
- 2. That persons who have made submissions on the application be informed of this determination.**

Plans of the Proposal

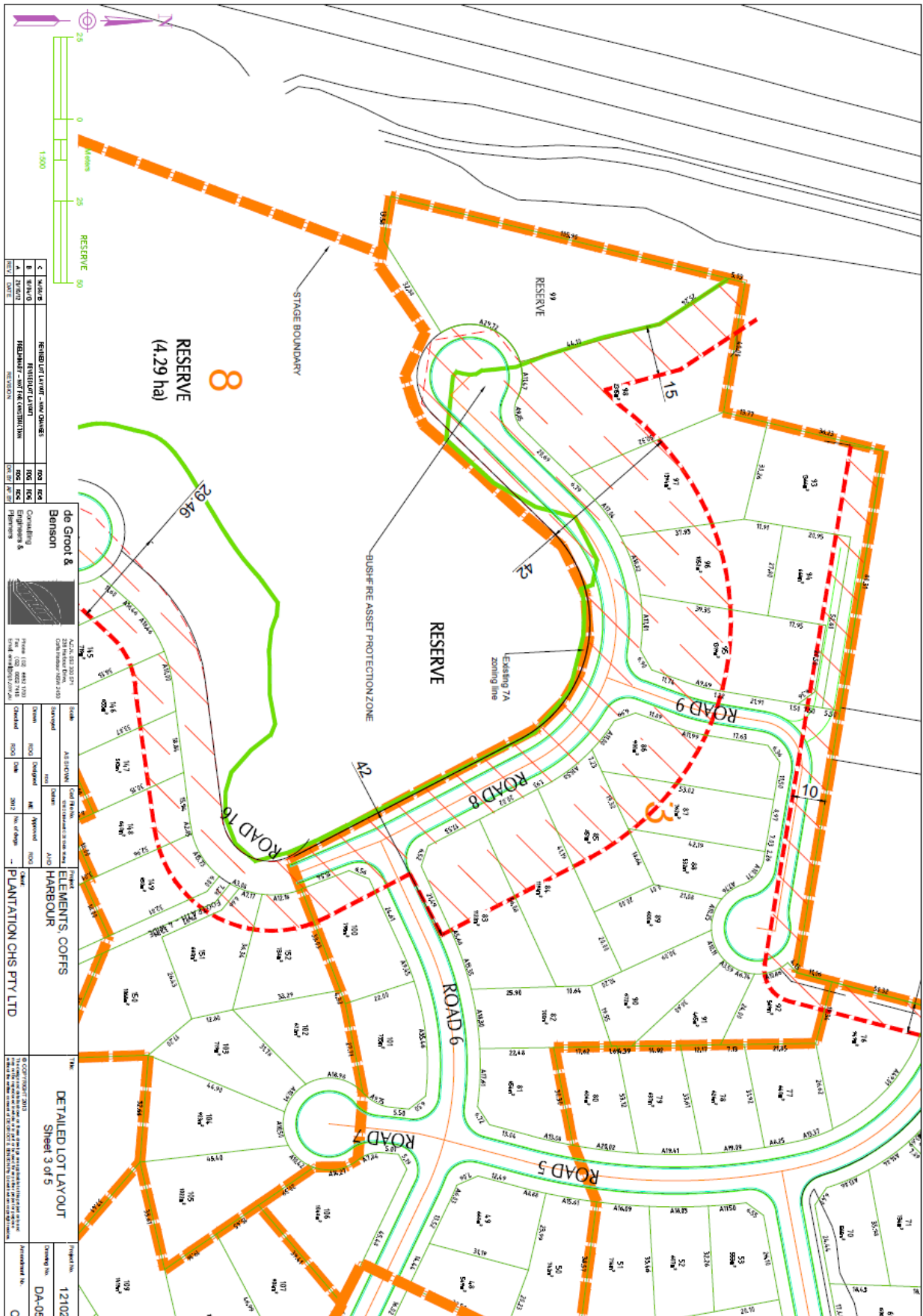


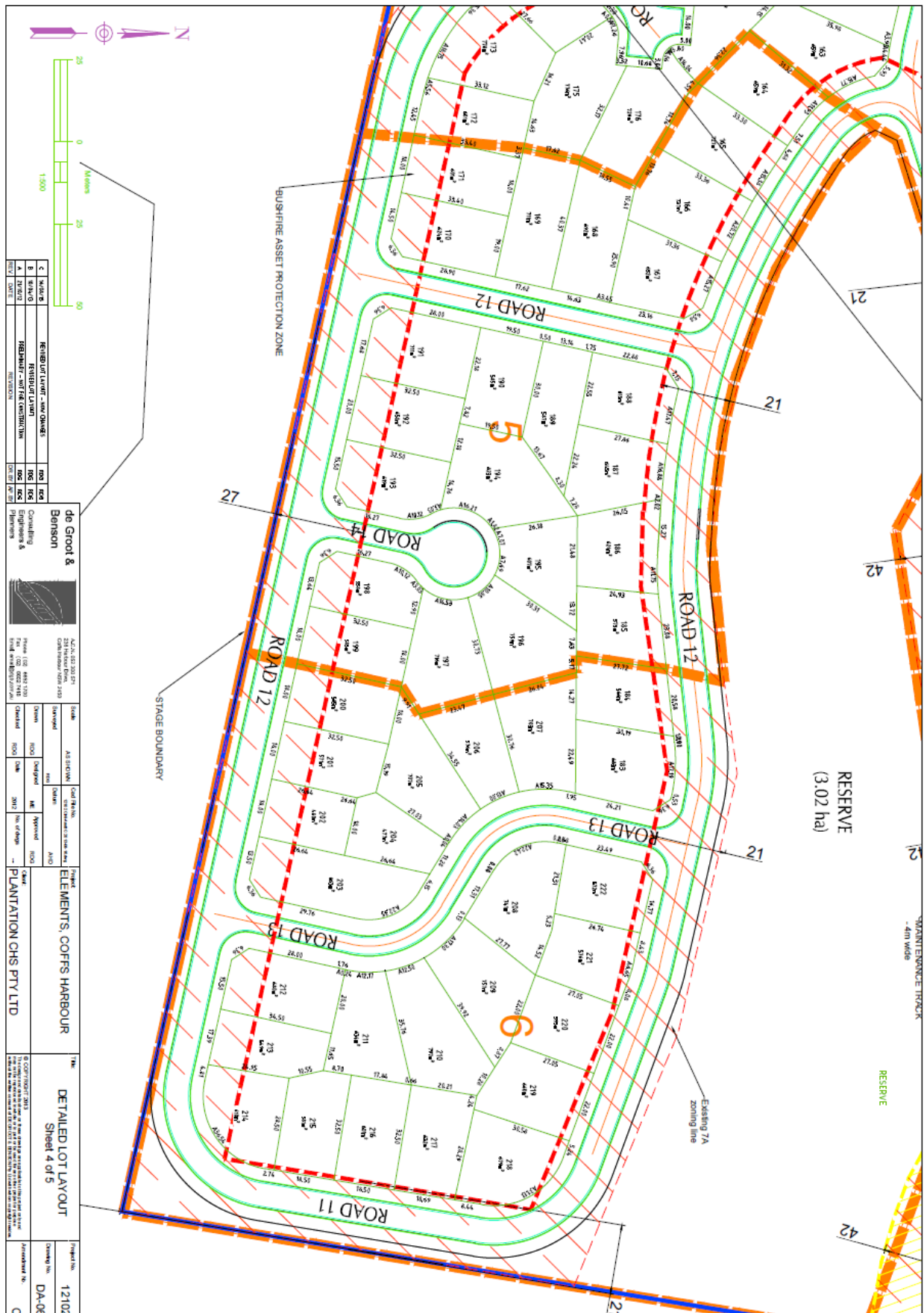


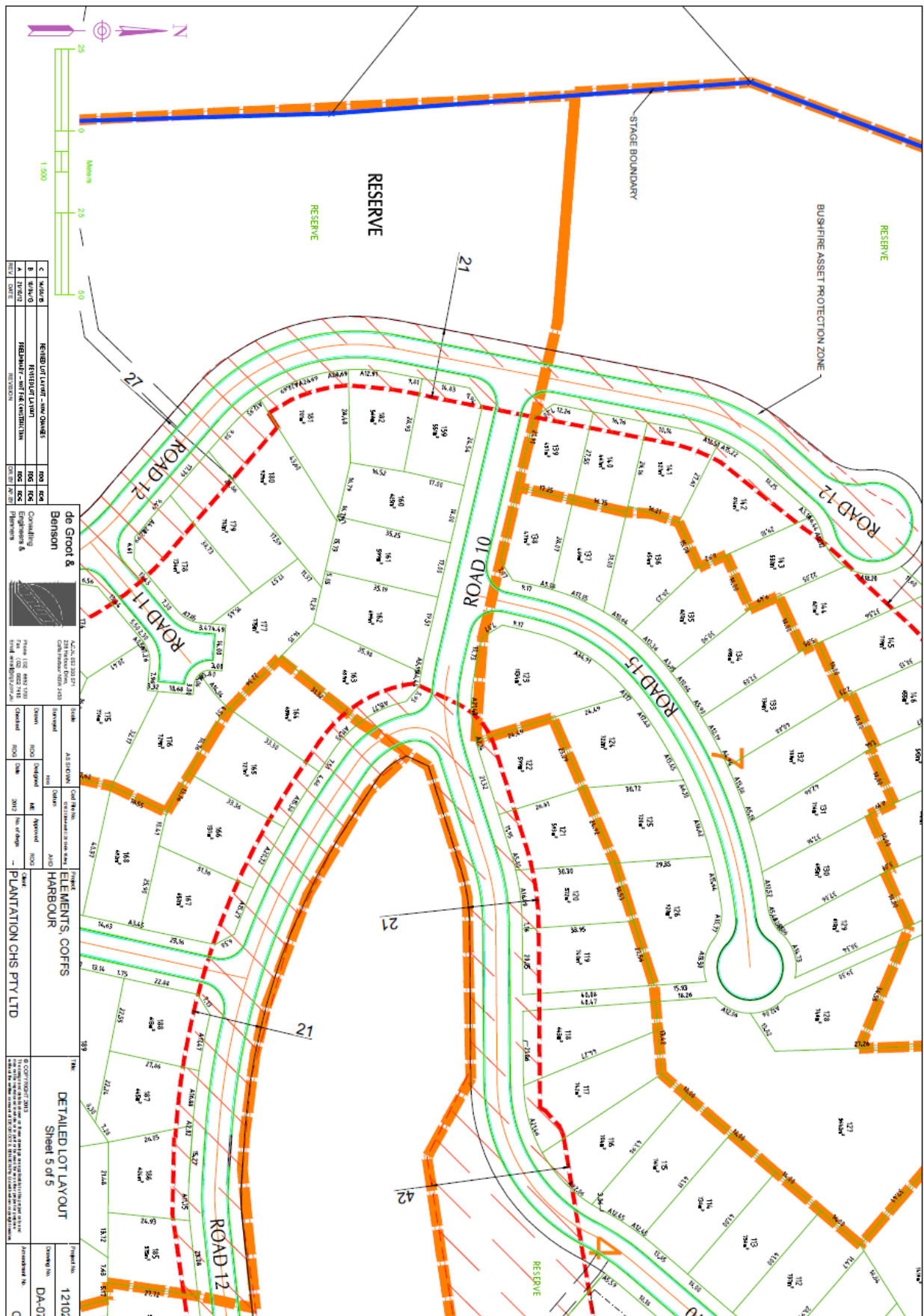


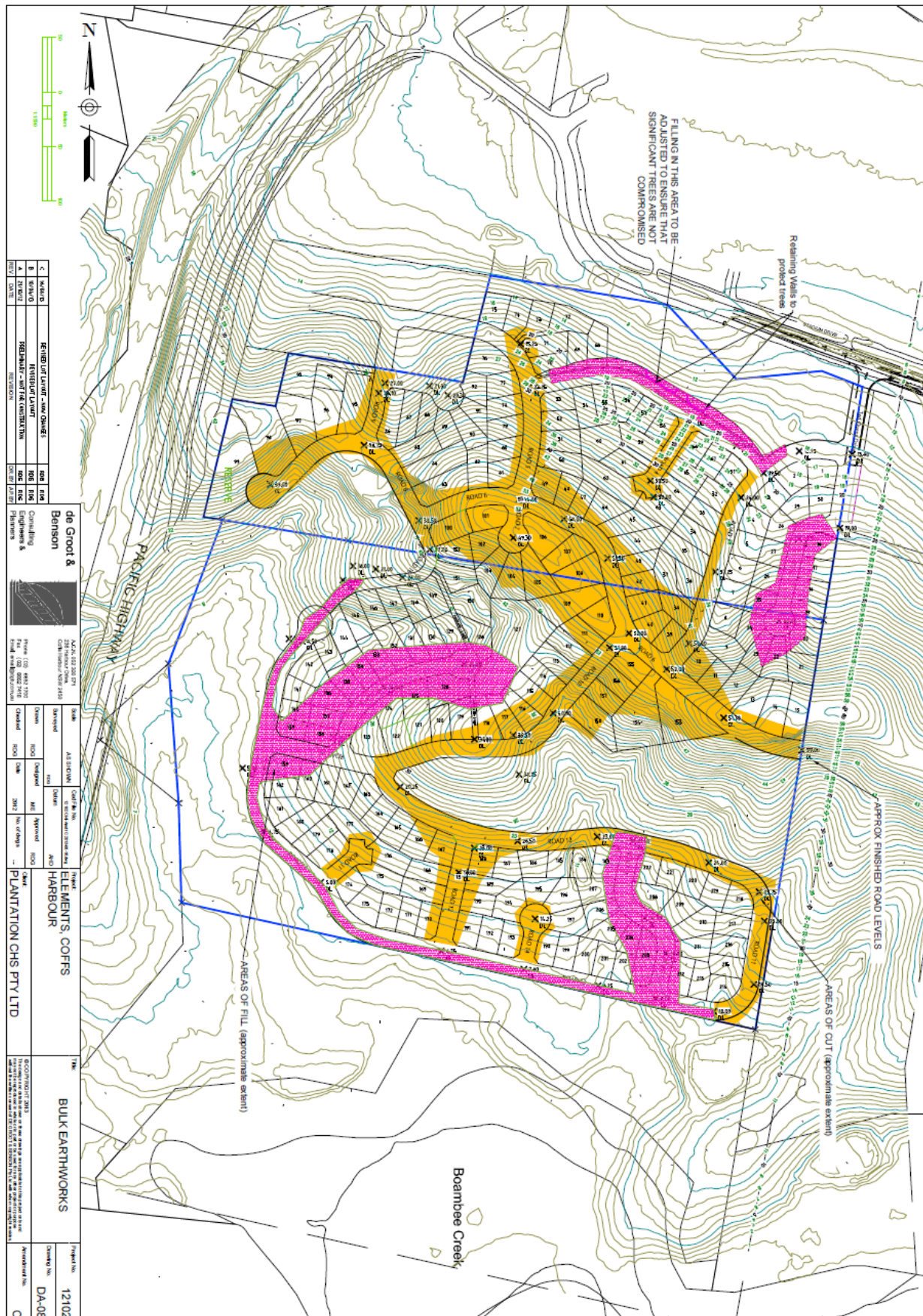
REVISION	DATE	BY	DESCRIPTION
1	2023	DA-04	Initial Design
2	2023	DA-04	Revised Design
3	2023	DA-04	Final Design

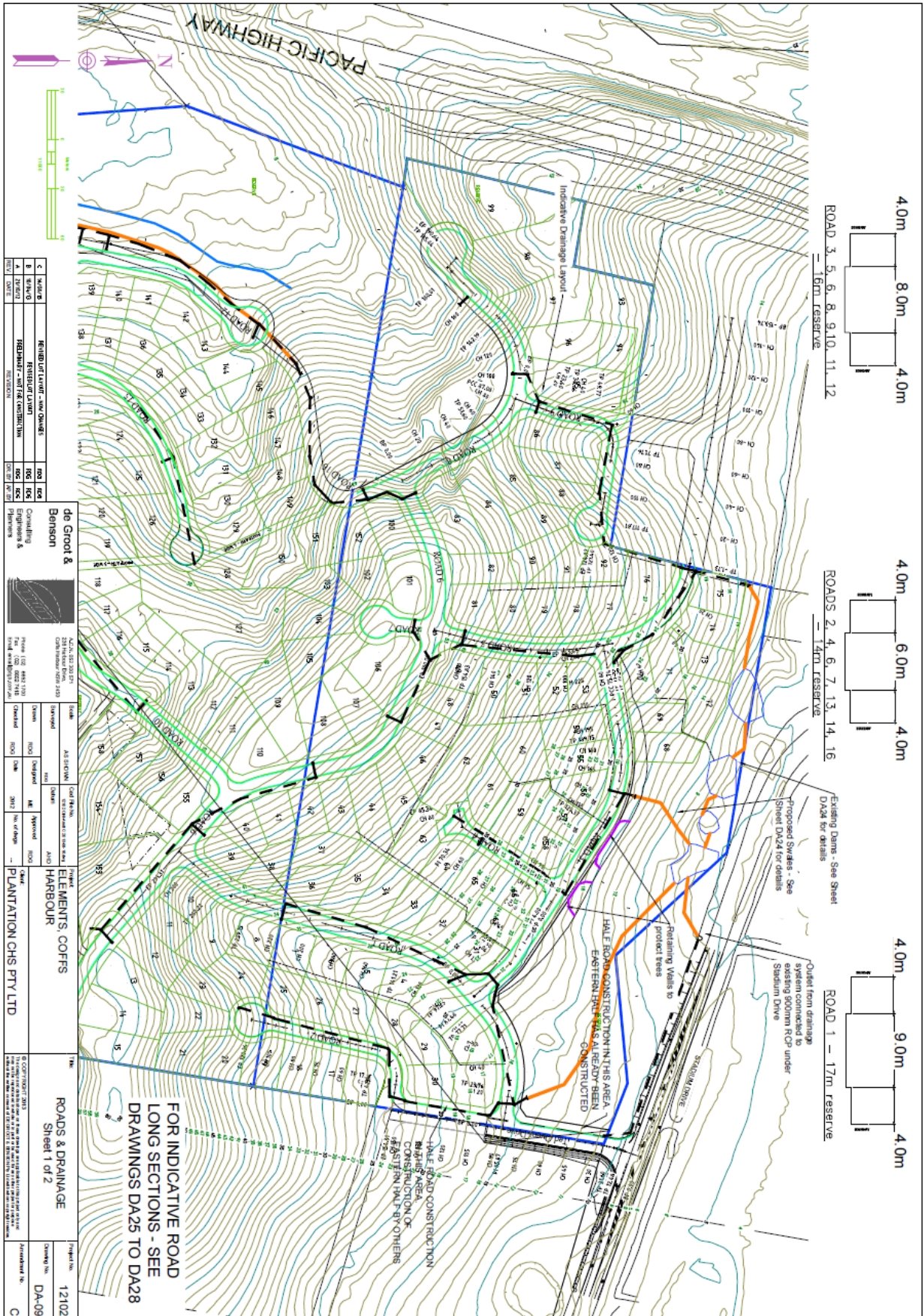
de Groot & Benson 2201 Highway 100, Unit 100 North York, ON M2H 3B5 Tel: (416) 490-1111 Email: info@degrootandben.com		PROJECT ELEMENTS, COFFS HARBOR PLANTATION CHS PTY LTD		DATE 12/10/23 REVISION DA-04	
CLIENT PLANTATION CHS PTY LTD		PROJECT ELEMENTS, COFFS HARBOR PLANTATION CHS PTY LTD		DATE 12/10/23 REVISION DA-04	

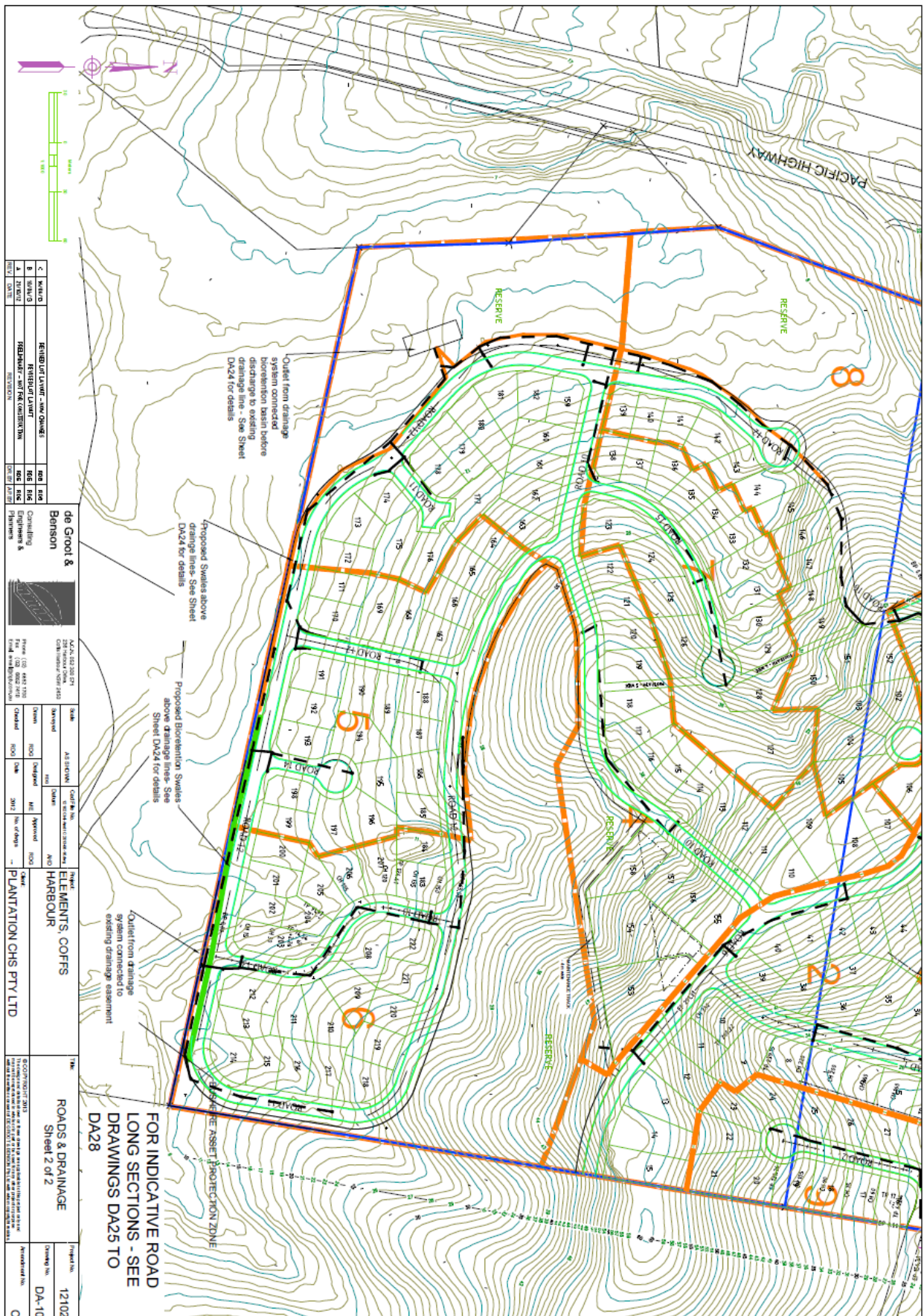


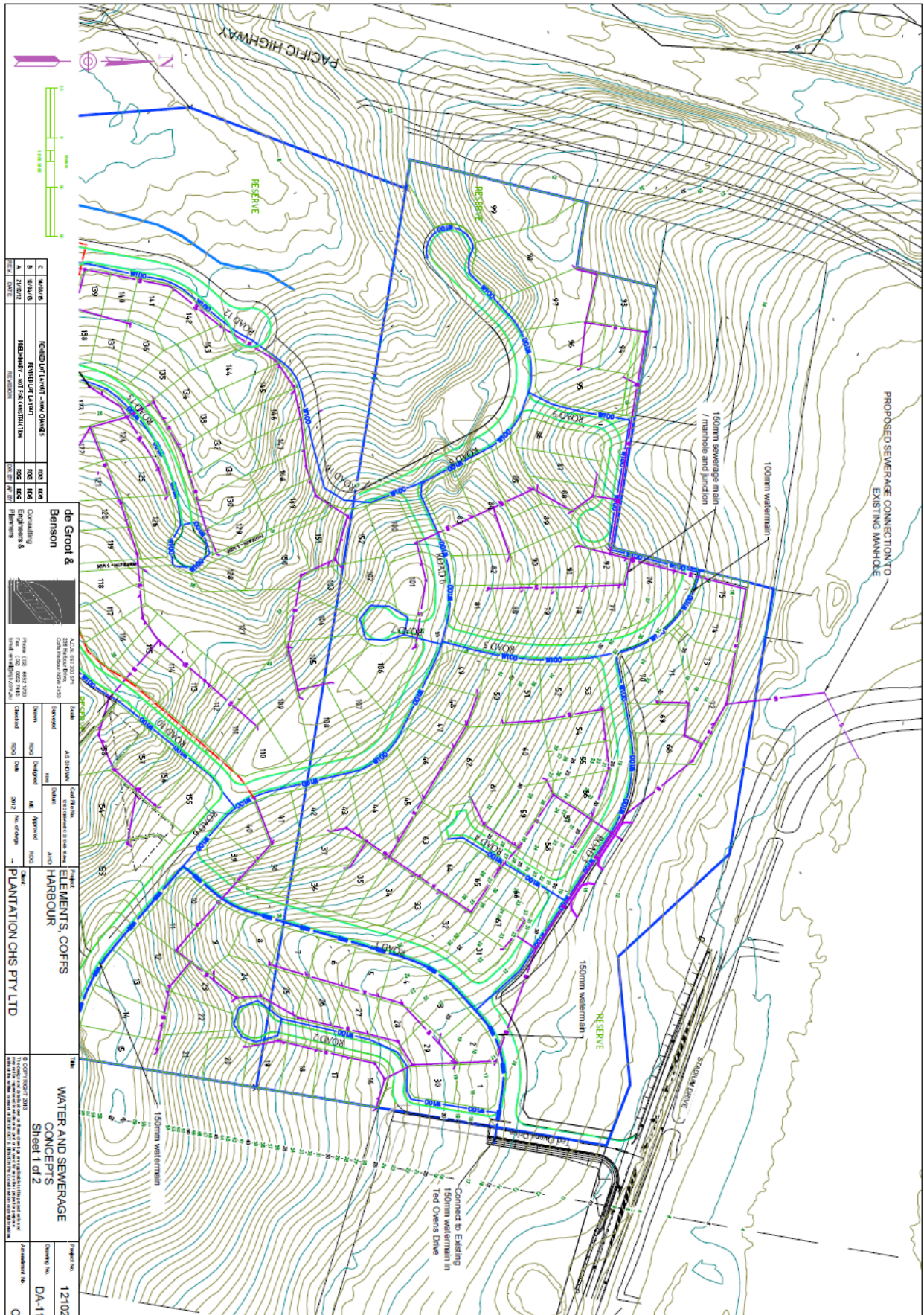


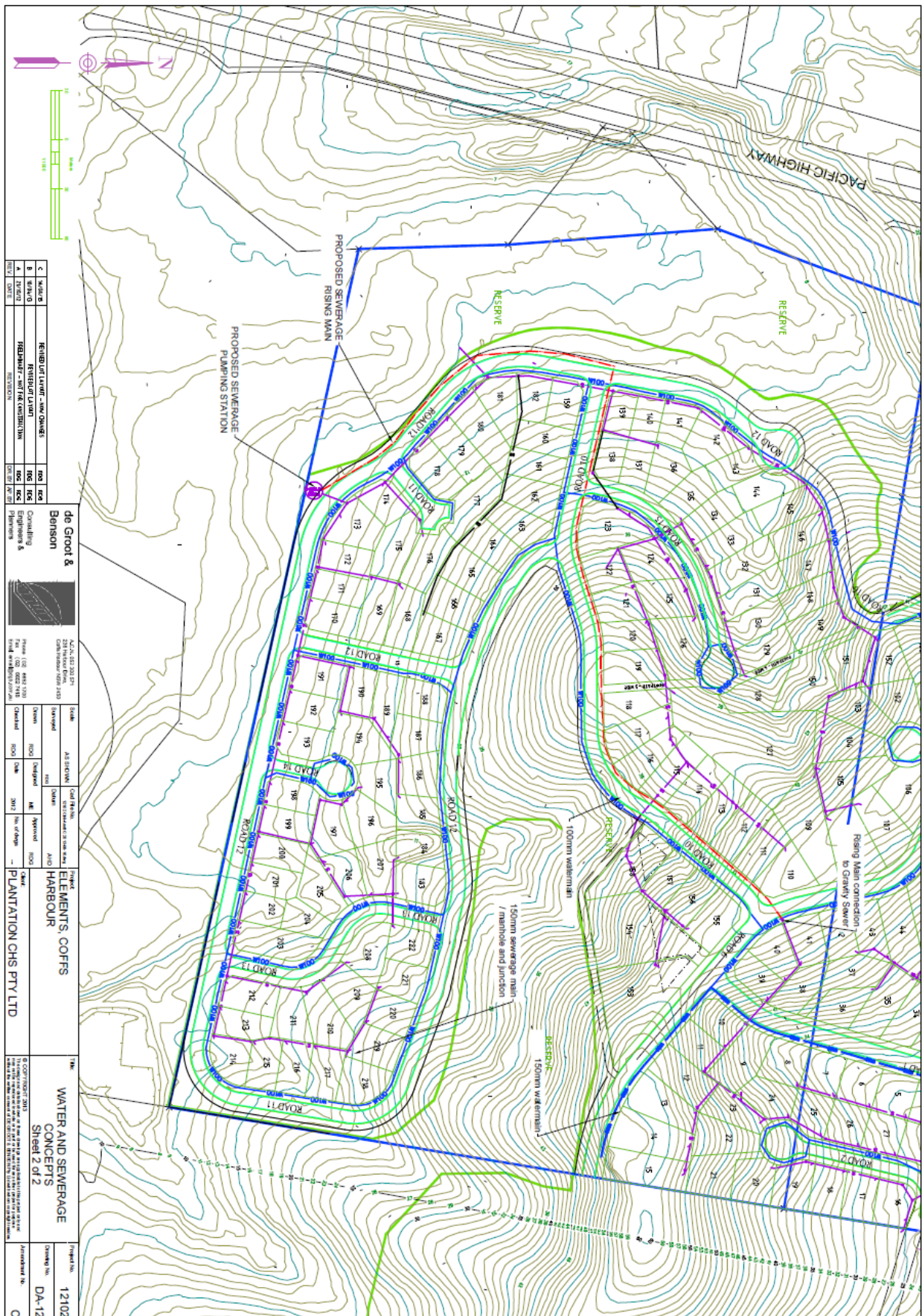












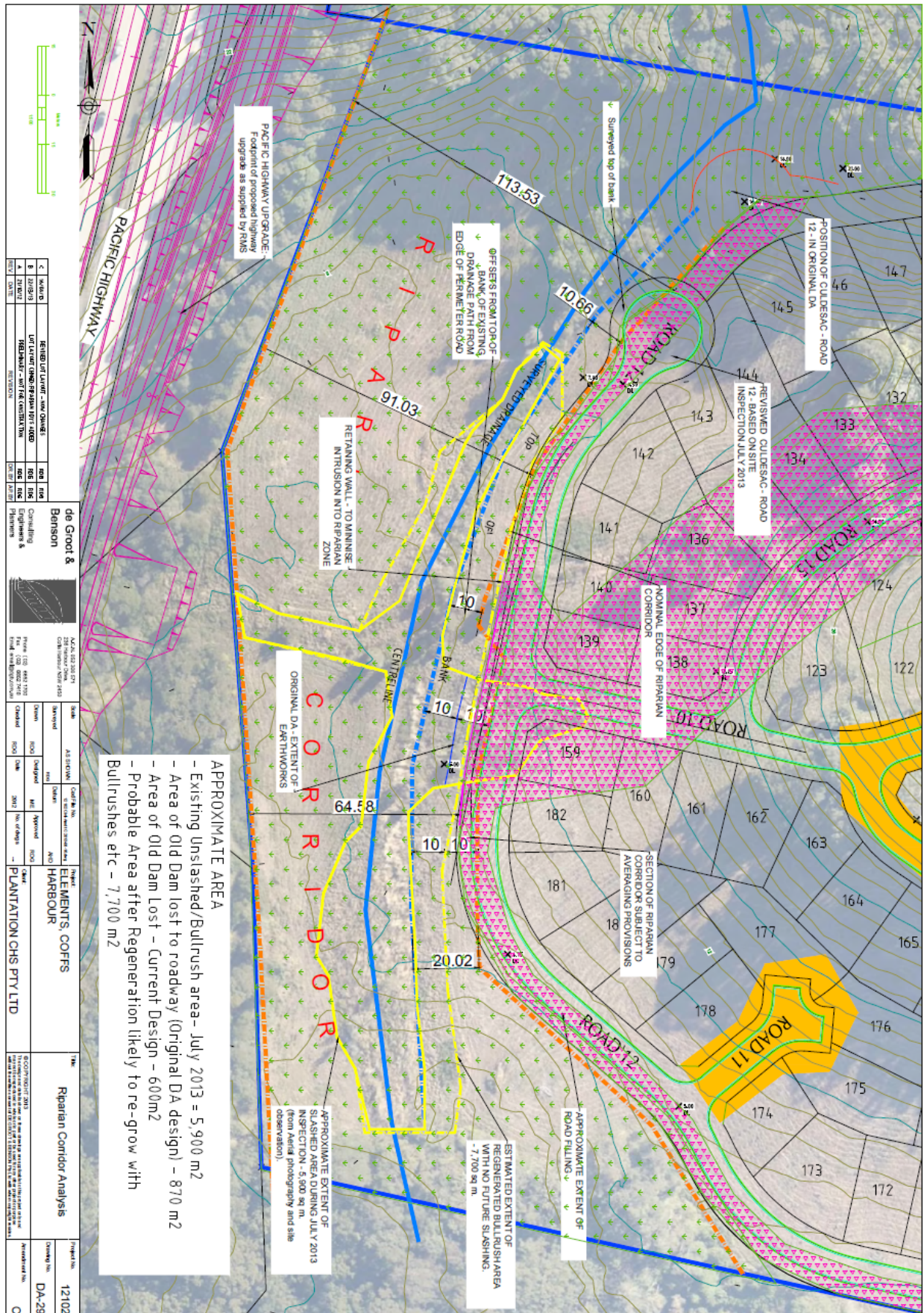


Boambee Creek

Bushtire APZ - refer plan for widths in various locations

Cyclaway

[illegible]



**Section 79C Assessment
Development Application No. 489/13**

- a. the provisions of,
- i. any environmental planning instrument, and

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

The North Coast Regional Environmental Plan is a deemed State Environmental Planning Policy. The proposal is considered to be consistent with the aims and objectives of the Plan.

- ***State Environmental Planning Policy (State and Regional Development) 2011***

Pursuant to clause 20 and 21 of this Policy determination of development applications that are of a class or description included in Schedule 4A of the Environmental Planning and Assessment Act, 1979 are made by a Joint Regional Planning Panel (JRPP). The proposal is for Coastal Subdivision and accordingly is for determination by the JRPP.

- ***State Environmental Planning Policy No.71 – Coastal Protection***

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

As the proposal involves subdivision to create more than 25 lots and the land is located within the Coastal Zone, a master plan or master plan waiver is required from the NSW Department of Planning and Infrastructure (DOPI) in accordance with clause 18 of the SEPP. A master plan waiver was issued by DOPI on 25 January 2013.

Council is required to take into consideration matters as listed in Clause 8 when determining development applications. In this regard and due to site locational reasons the development will not directly impact beaches, estuaries, coastal lands, headlands, cliffs or rock platforms.

The proposed development does not change, impede or diminish public access to or along the coastal foreshore. The development is considered suitable given its type, locational, design and relationship with the surrounding area. The cumulative impact of the proposed development on the environment and measures to ensure water and energy usage by the proposed development is considered satisfactory.

The proposed development will not result in a detrimental impact on the amenity or scenic qualities of the coastal foreshore. Minimal impact will occur on existing wildlife corridors and their inhabitants. The site is not affected by coastal processes or hazards and will not result in the potential for conflict between land-based and water-based coastal activities.

In considering clause 15, the proposed development will dispose of effluent by connection to Council's sewer. In considering clause 16, the proposed development will discharge storm water into Council's storm water system and consequently not discharge untreated storm water into the sea, a beach, estuary, coastal lake, coastal creek or other similar body of water, or onto a rock platform.

- ***State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land***

The land has a history of being formerly used for banana farming and could potentially be contaminated with pesticides. A preliminary soil contamination assessment submitted with the development application identified that a section of the site will be required to be remediated. A remedial action plan has been lodged. The remediation works will be required to be undertaken prior to the issue of the subdivision certificate. A site validation report will be required to be prepared following the remediation works to demonstrate that the site is suitable to be used for residential purposes and to satisfy section 7 of State Environmental Planning Policy No. 55 – Remediation of Land.

- ***State Environmental Planning Policy (Infrastructure) 2007***

The proposed subdivision is defined as a traffic generating development under schedule 3 of this SEPP. The development application was referred to the Roads and Maritime Services in accordance with section 104 of this SEPP. The RMS has provided a response containing recommended conditions. These conditions have been added to the consent conditions in attachment C to this report.

The site adjoins the Pacific Highway. Residential development within the subdivision will be exposed to traffic noise from the highway. A noise impact assessment was submitted with the development application. A restriction will be placed on the title of the affected lots requiring future house designs to be in accordance with the controls detailed in Section 102 of State Environmental Planning Policy (Infrastructure) 2007.

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

Zoning

The subject land is zoned Residential 2A Low Density Housing, Environmental Protection 7A Habitat and Catchment and Environmental Protection 7B Scenic Buffer. The proposed development is defined as 'subdivision of land' and 'demolition', which is permissible with consent in both the 2A and 7A zone.

Clause 18(4)(c) of the LEP specifies that:

- (b) if land in Zone 7A adjoins land in Zone 2A, 2B, 2C, 2D or 2E, consent may be granted to a subdivision of the composite parcel provided:
 - (i) each resultant allotment contains an adequate (in the opinion of the consent authority) building envelope outside the land in Zone 7A, and
 - (ii) the consent authority considers that the subdivision is desirable for achieving long term management of the land within Zone 7A.

Proposed residential lot 99 in stage 3 comprises land zoned 2A, 7A and 7B. This lot is also identified as being, possibly, resumed by the RMS for the new southbound on-ramp for the proposed Coffs Harbour by-pass. This lot is not considered suitable as a residential lot due to zoning, environmental and public interest considerations, and should consequently be added to the public reserve area. The subdivision plans have been amended accordingly so that the 7A portion of lot 99 is dedicated at no costs as a public reserve and the remaining 2A and 7B areas incorporated into lot 98. As a consequence the proposal will now yield 221 residential lots.

The remaining land to be subdivided for residential purposes comprises only that land zoned Residential 2A Low Density Housing. The land zoned Environmental Protection 7A Habitat and Catchment will be will not be used for residential purposes. The 7A land will be retained and dedicated to Council as public reserves. These areas comprise significant vegetation and compensatory areas.

Clause 12 – Koala habitat

Clause 12 requires development to be in accordance with Council's Koala Plan of Management. The site contains areas identified as 'Primary Koala Habitat' under Council's Koala Plan of Management. Three areas of the site are to be dedicated to Council as public reserves. These areas comprise the primary and important habitat areas. Other areas on the site will be cleared to enable the construction of the subdivision. Some isolated trees that are identified as significant will be retained. A large area along the western boundary of the site will be re-vegetated to compensate for the loss of vegetation resulting from the development. This area will provide a link to adjoining properties also identified as being primary koala habitat.

Clause 13 – Landform Modification

The site is very steep in parts, landform modification works are required to enable road and servicing provision and establishment of lots for future housing. Having regard to the site's topography and the functional design response the extent of proposed landform modification is considered suitable.

Clause 14 – Services

This Clause requires development to be provided with water, sewer and drainage facilities. The proposed subdivision will be provided with all of the normal services required for residential development.

Clause 23 – Environmental Hazards

The south-west section of the site is affected by potential acid sulfate soils and flooding. This area is however not intended to be developed. It will be dedicated to Council as a public reserve.

ii. The provisions of any draft environmental planning instrument

The Draft Coffs Harbour Local Environmental 2013 is applicable to this development application.

Under this draft plan the zonings, with the exception of the 7B zone, and the permissibility provisions remain the same. The 7B zone will revert to a residential zoning.

iii. any Development Control Plan (DCP)

• South Coffs Development Control Plan

The proposed subdivision layout differs to the master plan layout contained within this DCP. The proposed subdivision achieves a higher lot yield compared to that nominated in the DCP (221 versus minimum 131). The lot yields indicated in the DCP are however minimum targets. The areas identified to be retained as public reserves are generally consistent with the open space areas identified in the DCP. The proposed subdivision is considered to be an appropriate and efficient design as it achieves quality environmental outcomes by preserving the key areas of biodiversity significance and addresses other site constraints of water quality, heritage, bushfire hazard, steep land, connectivity, etc. The proposed lot yield is supported.

The development satisfies the economic, social and sustainability controls of this Plan, and the urban design, servicing, traffic and transport, natural environment and open space and recreation strategies of this Plan.

The development application has addressed water quality, energy efficient lot design layout, potentially contaminated land, acid sulfate soils, banana land buffers, cultural heritage, natural and habitat areas, bushfire hazard, noise and air quality, road design and access, pedestrian and cycleway paths, and is generally compliant.

The south-west section of the site is affected by potential acid sulfate soils and flooding. This area is however not intended to be developed. It is proposed to be dedicated to Council as a public reserve.

As the site adjoins the Pacific Highway residential development within the subdivision will be exposed to traffic noise from the highway. A restriction will be placed on the title of the affected lots requiring the house designs to be in accordance with the controls detailed in Section 102 of State Environmental Planning Policy (Infrastructure) 2007.

The DCP provides that no additional dwellings or accommodation are to be constructed within 400m of the Coffs Coast Resource Facility. This requirement is erroneous that reflects an initial odour buffer that was proposed under a preliminary draft local environmental plan. Detailed investigations by consultants in relation to the need for the buffer were undertaken prior to finalisation of the draft local environmental plan process and it was determined that a buffer was not considered necessary.

The proposal is considered to be consistent with the provisions of the Plan.

iv. 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,

Clause 92 of the Environmental Planning and Assessment Regulations 2000 requires that the NSW Coastal Policy 1997 and certain demolition controls be considered in the determination of development applications. The development is consistent with the goals, objectives and strategic actions outlined in the Coastal Policy. Appropriate conditions will be applied to the consent covering demolition works.

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 application is accompanied by a flora and fauna assessment and addresses the provisions of Section 5A of the Environmental Planning and Assessment Act, 1979. Three parts of the site are mapped as 'Primary Koala Habitat' under Council's Koala Plan of Management. These areas are intended to be dedicated to Council as public reserves. While other areas will be cleared to enable construction of the subdivision some isolated trees that are identified as being significant will be retained. A large area along the western boundary of the site will be re-vegetated to compensate for the loss of vegetation. This area will provide a link to areas on adjoining properties, also identified as being primary koala habitat and zoned Environmental Protection.

Existing structures on the site will be demolished.

The NSW Office of Water has endorsed the proposal via the issuing of approval terms under the Water Management Act 2000 for works in proximity to a watercourse that traverses the site.

The proposed subdivision is not likely to have any adverse impacts on the built environment.

2. Social and Economic Impacts

The proposed development is not expected to result in any significant adverse social or economic impacts in the locality.

The site is close to education and medical services, employment, retail and commercial areas and recreation areas. Normal transport and services infrastructure are available to the site for residential subdivision. The proposal will support the planned growth of Coffs Harbour and will be an important employment generator during the civil works and housing construction phases of the project.

c. the suitability of the site for the development,

The proposed subdivision is responsive to the site's environmental and servicing constraints and opportunities. The development will allow connections to adjoining future development sites, it incorporates a neighbourhood park, is accessible to public transport, and provides an acceptable interface to natural areas that adjoin the residential subdivision. Whilst the development adjoins an operational banana farm to the east, the subdivision layout and staging allows for the two distinct uses to reasonably coexist. The site is considered to be suitable for the proposal.

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

The application has an "integrated development category" that requires approval from the NSW Rural Fire Service, NSW Office of Water and the Office of Environmental and Heritage in accordance with section 91 of the Environmental Planning and Assessment Act, 1979. A Bushfire Safety Authority has issued from the NSW RFS and General Terms of Approval under the Water Management Act, 2000 have been granted by NOW. The OEH has indicated that an Aboriginal Heritage Impact permit is not required however conditions have been recommended to be imposed in the development consent to ensure appropriate action is taken in the event that objects of Aboriginal Cultural Heritage significance are found during subdivision works.

The development application was referred to the Roads and Maritime Services for comment in accordance with section 104 of State Environmental Planning Policy (Infrastructure) 2007. A response has been received with recommended conditions concerning the Stadium Drive / Pacific Highway intersection. These have been included in the conditions of consent contained in attachment D.

The application was also referred to the NSW Police for comment on safer by design principles. The NSW Police has advised that a crime risk assessment is not considered necessary for this proposal.

The agencies and Council's technical sections have conditionally supported the development application.

The application was advertised and notified to adjoining property owners. In response 3 submissions were received. Matters raised in the submissions include concerns that future residents within the subdivision will complain about banana farming activities occurring on adjoining site to the east of the site, of drainage impacts and of the need for a traffic study.

Impact of Banana Farming Activities

Agriculture is a land use that is permissible without development consent under Coffs Harbour City Local Environmental Plan 2000. The existing farm operation situated to the east of the site will not be required to cease as a result of the subdivision. The adjoining banana farm is zoned Residential 2A Low Density Housing and is an integral part of the South Coffs urban release area. Over time this farm will revert to a residential use. The subject development comprises 7 lots that are adjacent to this farm, with other lots separated by a perimeter road. It is considered that the two distinct uses will coexist, noting that the majority of the lots in close proximity to the farm are nominated in Stage 9 (being the final stage) of the subdivision.

Drainage Impacts

The roads within the proposed subdivision will be connected to a conventional stormwater drainage system. Housing on the proposed lots will collect runoff and be diverted to the street drainage system. Drainage designs and installation will have regard to impacts on and from neighbouring lands.

Traffic Generation

A traffic study was submitted by the applicant and subsequently amended. All traffic studies were referred to the Roads and Maritime Services in accordance with section 104 of State Environmental Planning Policy (Infrastructure) 2007. A response was received by the RMS with recommended conditions. These conditions have been included in the consent conditions contained in attachment C. Council's City Services section has reviewed the traffic studies and has supported the development conditionally.

e. the public interest:

The application has been evaluated in the normal manner following proper process. Relevant statutory and policy planning considerations have been taken into account in the assessment of the application.

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

Draft Conditions of Consent

Development Application No. 489/13

Schedule of Conditions

ADMINISTRATIVE CONDITIONS**Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
 - **Subdivision (staged 221 lot residential subdivision including tree removal, demolition works, landform modification, road construction and dedication of reserves)**

Prescribed Conditions:

2. 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:

3. 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. 489/13).

Plan No. / Supporting Document(s)	Prepared by	Dated
Drawing No's. DA-02 to DA-13, DA-29 Amendment C, Project No. 12102	de Groot and Benson	16 August 2013

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.

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
 - (1) Statement of Environmental Effects, December 2012 and additional information dated 19 April 2013, prepared by Geoff Smyth Consulting Pty Ltd.
 - (2) Traffic Assessment, prepared by de Groot and Benson Pty Ltd, dated May 2013 and August 2013.
 - (3) Aboriginal Heritage Assessment and Test Excavation Report prepared by Myall Coast Archaeological Services, dated 10 June 2013.
 - (4) Draft Vegetation Management Plan prepared by Coffs Coast Bush Regeneration dated February 2013.
 - (5) Letter from Plantations CHS Pty Ltd of 15 August 2013 confirming that the land indicated as reserve and as reserve Lot 99 on Drawing No. DA-02 Amendment C – Project No. 12102, prepared by de Groot & Benson dated 16 August 2013 will be dedicated to Council at no cost to Council.

- (6) Landscape Masterplan 1287A-04 Issue B prepared by Jackie Amos Landscape Architect.

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

Staging Development:

5. This development consent endorses the staging of the subdivision (9 stages) in accordance with Drawing No. DA-02, Amendment C, Project No. 12102, prepared by de Groot and Benson, dated 16 August 2013.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

6. 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.

Vegetation Management Plan:

7. **Prior to issue of the Construction Certificate**, and prior to commencement of any works on the site, a comprehensive Vegetation Management Plan (VMP) in accordance with Council's Biodiversity Guidelines No 1 '*Preparing Vegetation Management Plans*' being submitted and approved by Council.

The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR).

In addition to the requirements of Council's Biodiversity Guidelines No 1 '*Preparing Vegetation Management Plans*', the VMP must accord with any conceptual VMP approved for the site.

Services and Infrastructure:

8. The following works:
- (a) roads, including bus bays;
 - (b) pedestrian and bicycle paths, including paths through public reserves;
 - (c) water;
 - (d) sewer;
 - (e) sewer pumping station;
 - (f) stormwater drainage including WSUD requirements;
 - (g) interallotment drainage;
 - (h) fire trails;
 - (i) Ted Ovens drive widening and upgrading of the Stadium Drive and Ted Ovens Drive intersection;
 - (j) An additional 50 metre approach lane for shared left and through traffic on the Stadium Drive approach to the Pacific Highway roundabout.

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.

Note 1: Designs for paths through public reserves shall be developed in consultation with Council's Recreation Services Section.

Note 2: works specified in item (j) are to be completed **prior to issue of the Subdivision Certificate for Stage 5**.

Note 3: Please refer to condition 17 re Works in Kind.

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

Street Tree Planting (Plan):

9. A plan is to be submitted to Council showing street tree planting, which has been prepared in accordance with the requirements of Council's *"Street Tree Master Plan"*.

The Plan shall be prepared by a qualified landscape architect or professional landscape consultant.

The Plan must show all services and planting detail in accordance with Council's minimum requirements; alternatively a higher standard may be considered for tree protection.

The Plan is to be approved by Council **prior to the issue of a Construction Certificate**.

Stormwater and Drainage Works Design:

10. Design plans of the stormwater drainage systems and treatment measures within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council, shall be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate**. A plan of any required interallotment drainage and easements to facilitate this drainage is to be approved by Council. Design details are to include consideration of the impact of concentration of stormwater on receiving land parcels.

Stormwater Management Plan:

11. 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.coffsharbour.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.

Note: The detentions ponds located in the northern reserve near Stadium Drive are to be consolidated to a single pond to minimise maintenance works.

Manoeuvring Areas:

12. 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**.

Street Names:

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

Erosion and Sedimentation Control Plan:

14. 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 Managing 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**.

Note: The detailed erosion and sediment control plan shall incorporate the remedial actions outlined in the Soil Contamination Assessment, prepared by de Groot & Benson, dated 10 April 2013.

Tree Protection:

15. Submission to Council for approval **prior to issue of any Construction Certificate** of detailed drawings and specifications of the protection measures including retaining treatments for trees proposed for retention adjacent to Road 3 which are to be located in the northern public reserve.

Fill:

16. 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.

Works in Kind:

17. Council's written approval is required **prior to the issue of a Construction Certificate** for any Works in Kind or other works detailed in Council's Section 94 (Environmental Planning and Assessment Act 1979) Developer Contribution Plans and Section 64 (Local Government Act 1993) Developer Servicing Plans that are proposed to be undertaken as part of this development by a party entitled to act on the development consent.

Application for approval to undertake these works is to be accompanied by a schedule of works and a quantity surveyor's estimate of the cost of such works.

Please refer to Council's Works in Kind Policy and the relevant Developer Contribution and Developer Servicing Plans, available on Council's web site.

Demolition Works:

18. All works including (where relevant) the handling and disposal of materials containing asbestos, are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard AS 2601-2001 "The Demolition of Structures".

Demolition Bond:

19. A damage deposit and administration fee as determined by Council's Fees and Charges Schedule shall be lodged with Council as a bond to cover possible damage to Council's property that may result during the removal of demolition material from the site. The deposit is to be lodged with Council and arrangements made for a dilapidation survey to be undertaken to assess the condition of Council property adjoining the land prior to the commencement of demolition work.

PRIOR TO COMMENCEMENT OF WORKS

Erosion and Sediment Control:

20. 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.

Pre Clearing Procedures:

21. Prior to commencement of tree removal, a search for the presence of threatened fauna is to be conducted in the area before commencement of operations each day by a suitably qualified and experienced Ecologist.

Presence includes both physical presence within the proposed tree removal area and occurrence of fresh scat materials.

- a) All hollows shall be searched and all checks shall be carried out a minimum distance of 50m from the tree clearing area.
- b) Koala faecal pellets (scats) check is required within a three metre radius of the base of all Koala Feed Trees.
- c) If a threatened arboreal species is located, the tree must be identified (flagged with tape). No further action shall occur until the animal has moved on of its own accord. If after two nights the animal has not moved the NSW Office of Environment and Heritage should be contacted for further advice.
- d) Physical removal of the animal is not an option and shall not be attempted.
- e) All injured animals shall be reported to WIRES immediately. To secure any wildlife which may be accidentally injured during clearing process a blanket, heavy duty gloves and a large bin is required on-site (note the bin lid must have holes to permit air passage).
- f) WIRES contacts: Coffs Harbour/ Woolgoolga: **(02) 6652 7119**.

Note: In relation to Koalas such search should include both lower branches and upper canopy in all listed koala food species (Tallowood, Swamp Mahogany, Broad-leaved Paperbark, Flooded Gum, Coastal Blackbutt, Forest Red Gum, Small-fruited Grey Gum, Forest Oak).

Protective Fencing:

22. Temporary protective fencing shall be provided for all protected vegetation during the construction phase. The fence shall extend from the critical root zone or 5 metres from the perimeter of existing indigenous vegetation. Protective fencing shall be installed prior to commencement of any works.

Intersection works Stadium Drive and Pacific Highway:

23. Prior to the commencement of Stage 5 subdivision works the applicant shall enter into a Works Authorisation Deed (WAD) with the Roads and Maritime Services for the additional 50 metre approach lane for shared left and through traffic on the Stadium Drive approach to the Pacific Highway roundabout.

All works shall be undertaken at the full cost to the applicant, to the satisfaction of the Roads and Maritime Services and Council.

The applicant must obtain authorisation from the Roads and Maritime Services in writing prior to the commencement of these works, including traffic management, temporary or permanent roadworks associated with this infrastructure.

DURING CONSTRUCTION

Contaminated Land:

24. Site remediation is to be undertaken at the site in accordance with the Soil Contamination Assessment, prepared by de Groot & Benson, dated 10 April 2013. Site remediation, validation and reporting is to be undertaken in accordance with NSW Environment Protection Authority Guidelines including the "Guidelines for Assessing Banana Plantation Sites", "Guidelines for Consultants Reporting on Contaminated Sites" and "Guidelines for the Vertical Mixing of Soil on Former Broad Acre Agricultural Land".

Appropriate erosion and sediment control measures are to be implemented prior to, during and following the remediation. The remediation shall be conducted in accordance with the provisions of SEPP 55 Remediation of Land, as well as any other relevant legislation, and any WorkCover NSW requirements.

Erosion and Sediment Control:

25. 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.

Protection of Drip Line:

26. The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.

Hours of Work:

27. 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.

Approved Plans to be On-Site:

28. 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.

Cultural Heritage:

29. The applicant must comply with Part 6 of the National Parks & Wildlife Act 1974 (NPW Act), prior to commencing any ground disturbance of development works and during development works which is the subject of the development.
30. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and the representatives of the local Aboriginal community must be contacted to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy must comply with the provisions of the NPW Act. This may include avoiding impact, additional investigations and/or the submission of an Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS.
31. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until OEH provides written notification to the applicant.
32. An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the representatives of the local Aboriginal community.

Protection of Trees On-Site:

33. All trees on site in proximity to the construction zones that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

Note: two tallowood trees on proposed Lot 57 and one tallowood tree and one flooded gum tree on proposed Lot 123 are to be protected and retained during construction of the subdivision.

Waste Management:

34. All demolition material, soil, wastes etc shall be assessed in accordance with the NSW EPA Waste Classification Guidelines (2009) prior to being removed from the premises. Materials classified as waste shall only be disposed to an appropriately NSW EPA licensed facility.

All potentially contaminated soil shall be managed in accordance with NSW EPA Contaminated Sites Guidelines.

Imported Fill:

35. Any fill to be imported onto the site shall satisfy the statutory definition of “Virgin Excavated Natural Material (VENM)” or “Excavated Natural Material” under the Protection of the Environment Operations Act 1997 and associated waste regulations/guidelines.

All fill is to be placed in accordance with the requirements of Council’s Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Excavated Material:

36. 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 Office of Environment and Heritage “*Waste Classification Guidelines*” and shall comply with the terms of any approval issued by Council.

Fill:

37. All fill is to be placed in accordance with the requirements of Council’s Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Dust Control Measures:

38. 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.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**Section 94 Monetary Contributions:**

39. 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.

	\$ Per Lot
- Coordination and Administration	378.78
- Coffs Harbour Road Network	2,076.27
- Surf Rescue Facilities	67.89
- District Open Space	800.34
- Transport & Traffic	5,913.28
- Neighbourhood Open Space	414.82

Total per Lot 9,651.38

The Section 94 contribution is currently \$2,113,652.22 for the 219 additional residential lots proposed in the subdivision.

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2013.
- Coffs Harbour Road Network 2013.
- Surf Rescue Facilities 2012.
- South Coffs 2013.

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:

40. The Subdivision being provided with underground reticulated electricity and telephone cables. The applicant shall provide a letter from the relevant electricity energy provider stating that satisfactory arrangements have been made for the supply of electricity and a letter from the relevant telecommunications provider stating that satisfactory arrangements have been made for telecommunications infrastructure in the subdivision. These letters are to be provided to Council **prior to release of each Subdivision Certificate**.

Street lighting being provided to the requirements of the relevant electricity energy provider with all work being completed **prior to release of each Subdivision Certificate**.

Restriction on Title:

41. A restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of Lots 1-221, to the effect that:

An acoustic report is to be prepared in association with each house design to address traffic and sports field noise impacts and mitigation measures in accordance with the relevant provisions of NSW EPA Environmental Guidelines. The measures detailed in the acoustic report are to be implemented in the house design and construction.

Details of the restriction are to accompany the application for each Subdivision Certificate.

Dedication to Council:

42. This development consent recognises and accepts the offer by the proponent of 15 August 2013 for the dedication to Council, at no cost to Council, of the reserves and proposed reserve Lot 99 as indicated on Drawing No. DA-02, Amendment C, Project no. 12102, prepared by de Groot and Benson, dated 16 August 2013 at the time of registration of the Subdivision Certificate for those stages that include these reserves.

Prior to the issue of the Subdivision Certificate a deed of agreement or other arrangements acceptable to Council must be prepared to allow the proponent to carry out management and maintenance works on the open space areas as described above in accordance with the approved VMP. All necessary rehabilitation work must be undertaken to the satisfaction of Council prior to management passing to Council. **Note**, management and maintenance works may be undertaken prior to the land being handed to Council.

Dedication of Internal Roads:

43. All internal roads shall be constructed by the proponent and dedicated to Council as public roads following registration of the Plan of Subdivision. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads.

Water and Sewerage Services – Developer Services Charges:

44. 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.

The current contribution rate is:

	Amount/Lot \$	Total \$
Works to satisfy increased demand within the area for 221 lot(s) of residential subdivision.		
Water	9,564.88	2,113,838.48
Sewer	9,146.73	2,021,427.33
Sub total		4,135,265.81
Less credit for 2 lots		37,423.22
TOTAL AMOUNT PAYABLE		\$4,097,842.59

Vegetation Management Plan:

45. The works (other than maintenance works) prescribed in the approved comprehensive Vegetation Management Plan (VMP) being completed **prior to issue of the relevant Subdivision Certificate**. A report from the consultant who prepared the VMP or other suitably qualified consultant being submitted to the Principal Certifying Authority with the Subdivision Certificate application to the effect that the initial works have been completed in accordance with the approved VMP.

Street Tree Planting:

46. The planting proposed in the approved Street Tree Planting Plan is to be carried out to satisfaction of Council, **prior to issue of a Subdivision Certificate** for the relevant stage unless other arrangements satisfactory to Council for completion at some other stage are made. This may include an agreement being reached with Council for the completion of work by Council.

The plantings are to be maintained for twelve (12) months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A bond per tree is to be paid to Council **prior to the issue of Subdivision Certificate** for the relevant stage. The bond will be returned at the end of the twelve month maintenance period provided that plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed with the cost of this work taken from the bond.

Works as executed plans shall be provided to Council in Digital CAD or Arcview format for all street trees. The information shall be provided on disc **prior to the issue of the Subdivision Certificate**. Note, the current street tree bond as at 1 July 2010 is \$405.00 per tree and is subject to indexation at the CP/Sydney Index rate.

Access and Services:

47. The following works:

- (a) roads, including bus bays;
- (b) pedestrian and bicycle paths, including paths through public reserves;
- (c) water;
- (d) sewer;
- (e) sewer pumping station;
- (f) stormwater drainage including WSUD requirements;
- (g) interallotment drainage;
- (h) fire trails;
- (i) Ted Ovens drive widening and upgrading of the Stadium Drive and Ted Ovens Drive intersection;
- (j) An additional 50 metre approach lane for shared left and through traffic on the Stadium Drive approach to the Pacific Highway roundabout.

Note, works specified in item (j) are to be completed **prior to issue of the Subdivision Certificate for Stage 5**.

being constructed in accordance with the approved plans and specifications and completed **prior to issue of the relevant Subdivision Certificate**.

Extension of Water and Sewer Mains:

48. Water and Sewerage mains being extended to the subdivision from Council's existing mains at the developers cost (or other arrangements satisfactory to Council being made) **prior to release of each Subdivision Certificate**.

Water Services and Sewer Junction:

49. A water service and sewer junction being provided (or being available) within each lot **prior to issue of each Subdivision Certificate**, with the works conforming to the requirements of Coffs Water.

Work as Executed Plan:

50. **Prior to the issue of each Subdivision Certificate**, a works 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.

Fill - Certification:

51. **Prior to the release of each Subdivision Certificate**, a final contour plan is to be submitted to Council showing the location, depth, and type of fill located on the site. Alternatively, where no fill has been placed on the site, a written statement to that effect is to be submitted to Council.

Sediment and Erosion Control:

52. **Prior to the issue of each 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.

Geotechnical Engineering Report:

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

Site Contamination:

54. A Validation report shall be prepared detailing the remedial actions and validation sampling results in accordance with NSW Environment Protection Authority Guidelines. This report is to be submitted to Council for its approval within one month of the successful completion of the remediation and validation, and **prior to the issue of any Subdivision Certificate**.

Bushfire Safety Authority:

55. The development proposal is to comply with the subdivision layout identified on the drawing titled Bushfire Requirements, Drawing No. DA-13, Amendment B, Project No. 12102, prepared by de Groot and Benson, 10th April, 2013, except as modified by following conditions in relation to bushfire safety.
56. At the issue of the relevant subdivision certificate and in perpetuity, the entire area of each lot created by the respective stages of subdivision shall be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
57. A bushfire management plan is to be prepared in consultation with Council for the proposed reserves that addresses the following requirements:
- a. areas to be managed as an asset protection zone;
 - b. schedule of works for asset protection zone management; and
 - c. contact person/department and details.
58. For the respective stages of subdivision, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on lots and reserves containing asset protection zones as shown on the plans titled Detailed Lot Layout, Drawing Nos. DA-03, DA-04, DA-05, DA-06 and DA-07, Amendment B, Project No. 12102, prepared by de Groot and Benson, dated 10 April 2013. Asset protection zones shall be managed 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'.

A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the residue lot at the following stages of subdivision, requiring the provision of asset protection zones for the following distances:

Stage 1:

- West and south of Stage 1 for a distance of 10 metres.

Stage 2:

- East of Lots 4 to 9 for a distance of 10 metres;
- North of lots 9, 12 to 15 for a distance of 12 metres;
- West of lot 47 for a distance of 12 metres;
- South of road 6 for a distance of 14 metres, extending to 21 metres over the area of proposed lot 153.

Stage 3:

- East of lot 106 for a distance of 10 metres; and
- South of lots 100, 101 & 106 for a distance of 14 metres.

Stage 4:

- North and north west of stage 4 for a distance of 10 metres; and east of lots 163, 172, 175 to 177 for a distance of 10 metres.

Stage 5:

- East of lots 185, 196, 197 and 199 for a distance of 10 metres.

Stage 7:

- North and west of lots 127 to 138 for a distance of 10 metres.

Asset protection zones shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. A restriction to land use for the purpose of an asset protection zone over a residual lot may be extinguished upon commencement of a subsequent stage of development over the affected areas.

59. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
60. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bushfire Protection 2006'.
61. A temporary fire trail shall be constructed as part of stage 4 from the intersection of Road No. 10 and 12 (stage 4) to link with Road 8 (stage 3). The temporary fire trail shall be constructed in accordance with section 4.1.3(3) of 'Planning for Bushfire Protection 2006' and shall be maintained until Stage 8 is completed.
62. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.
63. Bushfire safety requirements (conditions 55 to 62 above) are to be completed **prior to the issue of the relevant Subdivision Certificate** and are to be certified as to their satisfactory completion by the bushfire planning consultant with such verification being provided to Council **prior to the issue of that Subdivision Certificate**.

General Terms of Approval Department of Primary Industries Office of Water:

64. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

65. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 489/13 and provided by Council or stamped and dated, 31 July 2013 by the NSW Office of Water and attached hereto:

- i) Riparian Corridor Analysis Drawing Number DA-29.
- ii) Structural design and specifications.
- iii) Vegetation Management Plan.
- iv) Works Schedule.
- v) Erosion and Sediment Control Plan.
- vi) Soil and Water Management Plan.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

66. 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 this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

67. The consent holder must prepare or commission the preparation of:

- i) Vegetation Management Plan.
- ii) Works Schedule.
- iii) Erosion and Sediment Control Plan.
- iv) Soil and Water Management Plan.

68. 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's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

- i) Vegetation Management Plans;
- ii) Laying pipes and cables in watercourses;
- iii) Riparian Corridors;
- iv) In-stream works;
- (v) Outlet structures;
- (vi) Watercourse crossings.

69. 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.

70. The consent holder must carry out a maintenance period of two (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.

71. 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.

72. 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.

73. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
74. 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.
75. 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.
76. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
77. 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.
78. 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.
79. The consent holder must ensure that any excavation does not result in (i) diversion of any river (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.
80. The consent holder must establish a riparian corridor along the creek adjacent to Stage 7 in accordance with a plan approved by the NSW Office of Water.
