

JOINT REGIONAL PLANNING PANEL REPORT

DEVELOPMENT ASSESSMENT REPORT DEVELOPMENT APPLICATION NO. 871/15DA

Demolition, Earthworks and 99 Lot Subdivision plus 1 Residue Lot (Integrated Development)

Lot 54 DP 1199012 Plan of Subdivision for Lease Purposes (affecting Lot 1 DP 1193850) & Multiple Lease Lots, Airport Drive, Coffs Harbour

PURPOSE:

This report provides an assessment of Development Application **871/15DA** for a subdivision of Special Purpose Transport zoned land including areas identified for future light and heavy industry, technology and education, commercial and aviation (demolition and earthworks and 99 lot subdivision plus 1 residue lot and dedication of public reserves).

The Joint Regional Planning Panel is the consent authority for this application under Schedule 4A(4), Environmental Planning and Assessment Act 1979 (EPA Act 1979), this being a Council related development with a capital investment value of greater than \$5 million.

The application is integrated development under section 91, EPA Act 1979 as it requires a bushfire safety authority (under s100B of the Rural Fires Act 1997) from the NSW Rural Fire Service and a Controlled Activity Approval (under the Water Management Act 2000), from the NSW Department of Primary Industries - Water.

Approval of the application, subject to conditions, is recommended.

THE PROPOSAL:

The proposed development involves demolition, earthworks and a 99 lot subdivision plus 1 residue lot and dedication of public reserves over a total area of approximately 43ha. The proposed subdivision includes areas identified for future light and heavy industry, technology and education, commercial and aviation land uses. The subject proposal is only for the subdivision of the land.

As outlined in the submitted Statement of Environmental Effects the key elements of the proposal include the following:

- A new road entrance and intersection into the subdivision on Hogbin Drive – left in, left out
- Two secondary road access points on Christmas Bells Road to the north
- Indicative subdivision 'precincts' based on anticipated future land uses, being:
 - o A heavy and light industry precinct located in the eastern portion
 - o A technology and education precinct
 - o A commercial use precinct along the western portion (including an identified service centre site on Hogbin Drive) and adjacent to Christmas Bells Road
 - o A central aviation precinct including current airport related functions eg, existing runways, taxiways, hangars and facilities
- 99 lots, which range in size from 779m² to approximately 8,000m², (apart from one heavy industry lot in the order of 13,500m²). The overall break down of the proposed land use types, lot numbers and areas for each are detailed in the submitted SEE as follows:

Land Use	No. of Lots	Area(m ²)
Service Centre	1	4,621
Commercial	17	49,143
Technology & Education	7	31,200
Light Industry	2	5,288
Heavy Industry	26	94,255
Aviation Industry	5	4,673
General Aviation	41	50,985
Emergency Services	1	7,900

- Vegetation reserves, to be dedicated to Council for biodiversity conservation
- An overland drainage system, comprising channels/ swales and a large onsite retention basin and drainage reserves, to be dedicated to Council for water retention and management
- New landscape plantings in streets and reserves, of an appropriate height to suit the airport location and maintain compliance with height restrictions
- Modified cycle path linkages along Hogbin Drive to account for new intersection and possible pedestrian link from bus stop to development area along Christmas Bells Road
- New board walks within the reserve areas
- An industrial scaled gateway public art element to provide an entry statement to the airport industrial precinct.
- Bulk earthworks including approximately 120,000m³ of fill in order to provide flood protection and effective drainage. Approximately 28,000m³ of fill is proposed to be sourced onsite, with the remaining 92,000m³ being imported. The SEE states that the source of this imported fill and haulage routes are not known at this stage, however fill will be obtained from a Council approved supplier or will be the subject of a separate DA for the extraction of the material.
- In respect of staging, the submitted SEE for the proposal clarifies that *“Although the development will occur in stages as shown in Illustration 3.2 and Table 3.1, the DA seeks approval for the proposal in its entirety – this is not a staged development application.”*

THE SITE:

The subject site for the proposal is legally known as Lot 54 DP 1199012, Plan of Subdivision for Lease Purposes (affecting Lot 1 DP 1193850) & Multiple Lease Lots, Airport Drive, Coffs Harbour. The development site is zoned SP1 Special Activity - Transport Facility, under the Coffs Harbour Local Environmental Plan 2013.

Lot 54 DP 1199012, makes up the northern part of the Coffs Harbour Airport and excluding existing (airport) leasehold lots within it, is 206ha. The area of Lot 54 the subject of the proposed subdivision, is approximately 43ha to the north and north west of the property fronting Hogbin Drive and Christmas Bells Road.

The site is located approximately 1.7km to the south east of the Coffs Harbor CBD, on the northern and north west side of the Airport, immediately south (across Christmas Bells Road) of the Coffs Harbour Racecourse and to the south east (across Hogbin Drive) of the Coffs Harbour Golf Course.

LOCALITY PLAN – SUBJECT SITE



CONSULTATION:

Statutory Advertising and Notification

The application was advertised and notified in accordance with the provisions of the Coffs Harbour Development Control Plan 2015, between 9 July 2015 and 7 August 2015.

The application was also notified to the Coffs Harbour & District Local Aboriginal Land Council.

Two public submissions by way of objection were received. The issues contained within these submissions are discussed within the attached s79C assessment of the proposal.

State Government Referrals

The application was referred to the NSW Rural Fire Service (RFS) and to the NSW Department of Primary Industries - Water (NSW DPI Water) for review and comment as 'integrated development' under section 91, Environmental Planning and Assessment Act 1979.

The NSW RFS has issued a conditional Bushfire Safety Authority. This consent includes a particular amendment that the proposed fire trail to the east of proposed lots 15-23 shall be designed and constructed to comply with the requirements of 4.1.2 Access (2) Fire Trails of PFBP 2006 including additional accesses provided that link the trail back to the road network at not more than 200m intervals, passing bays provided at not more than 200m intervals and an appropriate width and radius to allow a category 1 tanker to manoeuvre.

Additional clarification was subsequently sought from the RFS on these requirements and with advice received that "two additional access/egress points (a total of three connecting the trail to the eastern most public road) will be a reasonable outcome. Further, that the northern (*should be eastern*) dead ended trail needs a turning point (radiused head or reversing area) and that any 90 degree turns (including "T" intersections) will need to have a minimum inner turning radius of 6m and a minimum outer turning radius of 12m. This is to ensure Cat 1 tankers are able to turn efficiently without additional movements."

The above requirements will require an amendment to the proposed subdivision that has been included in the recommended conditions of consent. The applicants have indicated a willingness and ability to comply with such conditions.

NSW DPI Water has issued their General Terms of Approval (GTA's) which have been incorporated into the recommended conditions of consent on the subject application.

The application was also referred to NSW Office of Environment & Heritage (OEH) for advice in relation to general biodiversity issues and the Coffs Harbour KPOM, Roads and Maritime Services (RMS) as required by the Infrastructure SEPP (for subdivision of 50 plus lots with access within 90m of a classified road), and Solitary Islands Marine Park Authority (under the Marine Estate Management Act).

The comments of the RMS and the Solitary Islands Marine Park Authority have been incorporated into the recommended conditions of consent on the subject application. The comments from NSW OEH have been addressed by Council's internal Biodiversity Officer and where appropriate incorporated into the recommended conditions of consent on the subject application.

Council Departments

Council internal departments have provided comment on the development proposal and their recommended conditions/actions have been incorporated into the evaluation process. No comments were provided that prevent approval of the application.

In regards to Flora and Fauna issues, Council's Biodiversity Officer is supportive of the overall application and in particular is satisfied the proposed onsite offset areas that have been incorporated into the design (which include dual use drainage/ compensatory planting functions of the open swales), are adequate to meet the requirements of the Coffs Harbour DCP 2015.

Further to the above, Council's Biodiversity and Drainage sections have signed off on the dual use drainage/ compensatory planting functions of the open swales.

Further Consultation

No additional consultation was undertaken.

STATUTORY MATTERS:

The following Environmental Planning Instruments are relevant to assessment of this application.

- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy No 71 - Coastal Development
- State Environmental Planning Policy (State & Regional Development) 2011
- Coffs Harbour Local Environmental Plan 2013

Coffs Harbour Development Control Plan 2015 is also relevant to assessment of this application.

The application is identified as "regional development" under State Environmental Planning Policy (State and Regional Development) 2011 and as a consequence the application is to be determined by the Joint Regional Planning Panel (Northern Region).

As stated earlier, under section 91 Environmental Planning and Assessment Act 1979, the subject application is classified as 'Integrated Development' and therefore was referred to the NSW Rural Fire Service (RFS) and to the NSW Department of Primary Industries - Water (NSW DPI Water).

Section 79C of the Environmental Planning & Assessment Act 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. All of the planning instruments and development control plans specified above are considered in detail in the Section 79C Evaluation provided, as appended to this report.

ISSUES:

Flora and Fauna

A Statutory Ecological Assessment prepared by Naturecall Environmental was submitted with the application along with a supplementary Ecological Assessment, to address issues raised during the assessment of the proposal.

As stated in the supplementary ecological assessment by Naturecall:

"The study site overall has evidently been subject to a significant disturbance history, which has historically seen the majority of the site cleared at some time. Most of the site aside from the western boundary has subsequently been regularly maintained via slashing, effectively preventing regeneration and reducing habitat support values."

The revised proposal is estimated to require the disturbance/removal of about 2.15ha of the remnant vegetation on site, and a new intersection to allow direct access off Hogbin Drive will effectively divide the western remnant in half. This will incrementally reduce its currently limited linkage values, but this is offset via 5.19ha of revegetation to create new linkages and enhance others, and maintain overall carrying capacity for the likely occurring species which are generally highly mobile and known to use peri-urban habitats.

Overall it is acknowledged that the proposed development will have a negative effect via a reduced carrying capacity in the short term and further fragmentation of a currently tenuous local corridor for the Koala. However, in context of the ecology of known and potentially occurring threatened species; the site's current habitat limitations; that sufficient connectivity for the Koala will be retained and the loss of potential food trees sufficiently offset; known or significant potential habitat of the Wallum Froglet is not impacted; and the EEC will be retained and not subject to a significant level of new indirect impacts: the proposal is not considered likely to have an impact of sufficient order of magnitude to place a local population at risk of extinction.

Hence referral to DotE or a Species Impact Statement is not considered required."

The revegetation proposed includes compensatory planting and ecological habitat within the open drainage swales proposed within the development, in addition to vegetation of buffers (shrub and heathlands) to the Endangered Ecological Community (EEC) – Swamp Sclerophyll Forests on Coastal Floodplains and other areas of Swamp Sclerophyll Forest (not classified as EEC) in the western areas of the development.

Also proposed is the relocation of an existing airport security fence located on the northern side of Airport Drive, to a location at the rear of the associated vegetated area, which will open up this vegetation to Koala activity from the south of Airport Drive.

Council's Biodiversity Officer is supportive of the overall application and in particular has confirmed that the proposed onsite offset areas that have been incorporated into the design (and which include dual use drainage/ compensatory planting functions within the open swales), are adequate to meet the requirements of the Coffs Harbour DCP 2015.

Strategic Planning Issues

A key issue relevant to the subject application is whether it is consistent with Council's adopted strategic context, this being Council's Employment Lands/ Industrial Lands Strategy and the Coffs Harbour Regional Airport 2014 Masterplan.

Elements of the proposed subdivision and anticipated use are relevant to a town planning assessment of the subject DA. In particular, it is important to consider how the proposed subdivision is consistent with current strategic planning documents for Employment and Industrial Lands in Coffs Harbour and that the subject development application for subdivision is not proposing release of additional industrial and employment lands over and above that land identified in those relevant current strategy documents.

The proposed subdivision satisfies a need for available land in proximity of the airport, for airport related uses – being uses incidental to or ancillary to the Airport, as permitted under the existing SP1 zoning.

Further, the CHCC Industrial Lands Strategy 2009 identifies 18.5 hectares of the subject airport lands for future industrial use. This key strategic policy document confirms the site has already been counted by CHCC in its analysis of available existing supply of employment and industrial lands yield.

It is also relevant to note that whilst the proposed subdivision has an overall area of 43 hectares, this figure includes proposed vegetation, drainage and buffer areas. Thus it is accepted (as noted

in the SEE), that the actual area of land supplied is to be 24.8ha. It is noted that this area is comparable to the 18.5 hectares referenced in the Industrial Lands Strategy 2009.

A review of the various strategic policy documents as set out above has confirmed that the proposed subdivision is consistent with Council's CHCC Employment Lands Strategy 2009 and is not inconsistent with the Department of Planning's Draft North Coast Strategy or the North Coast Employment Land Review – Section 10 Coffs Harbour (2014). In particular, AAP is satisfied to note that the CHCC Local Growth Strategy - Industrial Lands 2009 included the subject Airport lands in its calculations of Industrial Land Supply for the area and that the subject subdivision is therefore consistent with that current adopted local strategy.

The Coffs Harbour Regional Airport 2014 Masterplan (The Airport Master Plan) is a strategic document that provides a blueprint for the future development and operation of the Coffs Harbour Regional Airport. The original Master Plan was approved by Council in 1994 and was subsequently reviewed in 2004 and further updated in 2007 and 2011. The 2011 Terminal Precinct Master Plan addressed the southern section of the Airport and is not part of the subject land.

In 2014 Council adopted a Master Plan update which was primarily focussed on the northern sector of the Airport lands (the subject land) which accommodates, among other things, the Airport's General Aviation activities. Within this area, Figure 6.1 '2004 Master Plan Review – Master Plan Layout' outlines additional possible development areas under consideration for a wide range of land uses with either a link to aviation, or for non-aviation purposes that are compatible with adjacent aviation activities. The subject proposal is consistent with the adopted Airport Masterplan.

On the above basis it is considered that the subject proposal is consistent with the relevant strategic planning context established and adopted by Council for employment/ industrial lands in the LGA and more specifically in respect of the development of the airport.

SUMMARY:

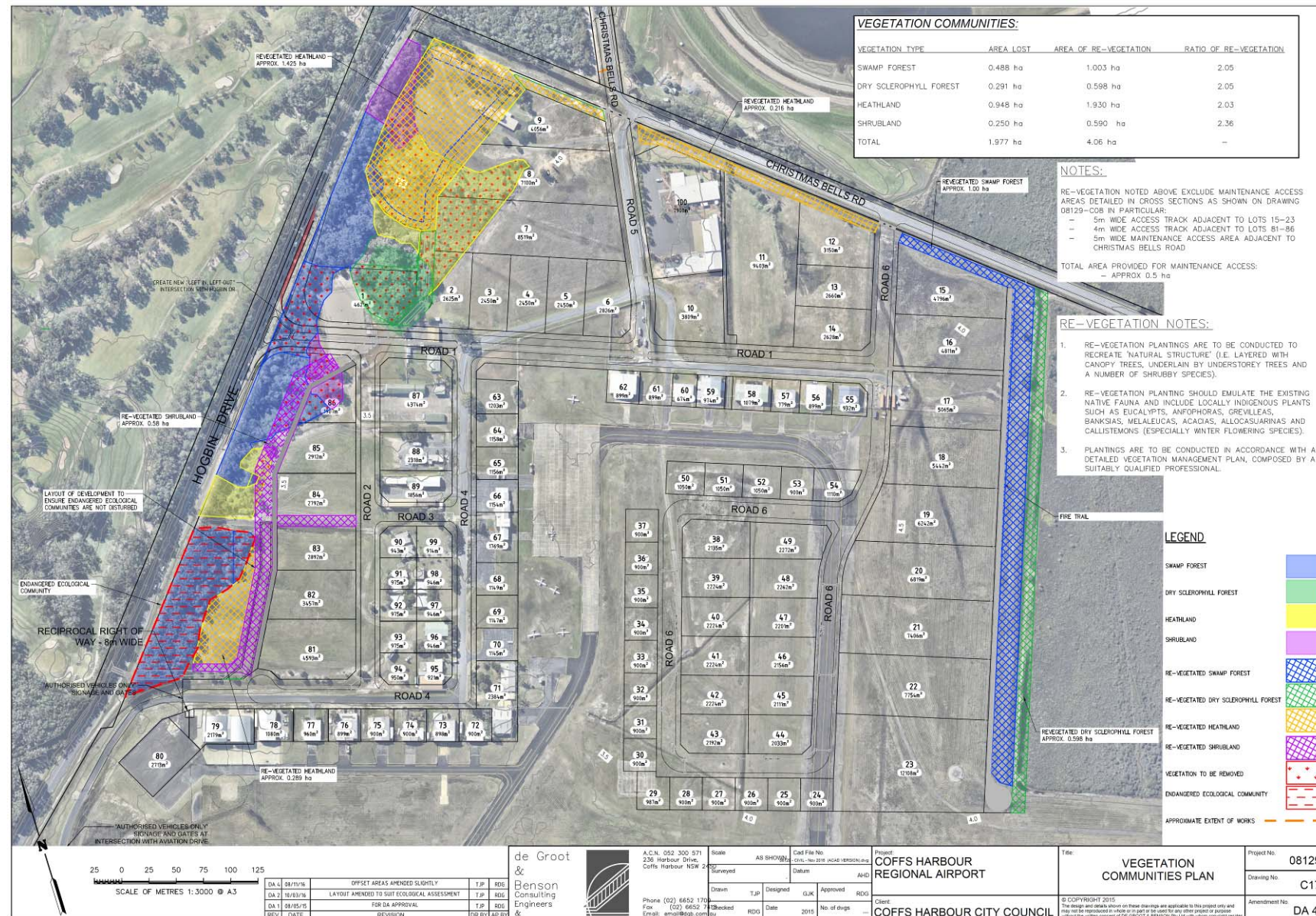
The proposal represents a significant 99 lots plus 1 residue lot subdivision including demolition and earthworks within the northern boundaries of the Coffs Harbour Airport.

The proposed development is consistent with current planning controls that apply to the site. The main issues for the development are flora and fauna, Aboriginal cultural heritage values, and the strategic planning context. The application is considered suitable for approval subject to conditions.

RECOMMENDATION:

- 1. That Development Application NO. 871/15DA for Demolition, Earthworks and 99 Lot Subdivision plus 1 Residue Lot (Integrated Development) be approved, subject to conditions as appended to this report.**

Plan of Proposed Development



**Section 79C Evaluation
Development Application No. 871/15DA**

a. The provisions of,

i. any environmental planning instrument, and

- ***State Environmental Planning Policy No 55—Remediation of Land***

The policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use.

A preliminary contaminated lands assessment was submitted with the subject application, which identified historical and existing land uses on the subject site comprising potentially contaminating land uses including airport/ aviation related activities and a fuel depot. Contaminants from such uses are likely to be localised or voluntarily remediated during construction of the subdivision, in addition sites are going to be filled and capped and current aviation uses will continue and will be compatible with the subdivision. Therefore, the assessment concluded that the land is suitable for the proposed subdivision.

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

The subject land is located within the 'coastal zone' under SEPP 71 but is not mapped as a 'sensitive coastal location'.

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

Clause 18 – Master Plan Required Before Certain Consents Can be Granted

Not relevant as the site is not mapped as a 'sensitive coastal location'.

Clause 7 – Application of Clause 8 Matters

Clause 7 requires that the consent authority take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- The development is considered suitable given its type, location and design and its relationship with the surrounding area.
- Matters pertaining to aboriginal cultural heritage have been appropriately considered as part of the assessment of the application.
- There are no matters pertaining to items of heritage, archaeological or historic significance of relevance for assessment of the application.

- The proposed development will not adversely impact upon the scenic quality of the surrounding locality.
- The development is unaffected by issues of coastal hazards.
- The proposal will not result in significant impacts to flora and fauna present on the site.

Clause 16 – Stormwater

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

Stormwater will be directed to the proposed stormwater system, including proposed swale drains, to accord with Council's WSUD (Water Sensitive Urban Design) Policy. A recommended condition of consent requires the submission and approval of detailed design information for the management of stormwater on the site.

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

Clause 20 and 21 of this policy state that Council consent functions are to be exercised by regional panels for developments of a class or description included in Schedule 4A of the *Environmental Planning and Assessment Act*.

Schedule 4A(4), EPA Act 1979 includes Council related development with a capital investment value of greater than \$5 million. Therefore the application is required to be determined by the Joint Regional Planning Panel (Northern Region) and not Council.

- **Coffs Harbour Local Environmental Plan 2013**

Part 2 – Permitted or Prohibited Development

The development site is zoned SP1 Special Activity - Transport Facility, under the Coffs Harbour Local Environmental Plan 2013 (CHLEP 2013). The proposed subdivision is permitted with consent as “any development that is ordinarily incidental or ancillary to development for that purpose” and pursuant to Clause 2.6 – Subdivision Requirements.

Under the current SP1 zoning of the site, a range of the potential land uses could ultimately locate within the future subdivision, being permissible with consent under the LEP “as any development that is ordinarily incidental or ancillary to development for that purpose”. Alternatively, a planning proposal for a rezoning could be submitted.

Clause 2.6 - Subdivision Requirements

Clause 2.6 specifies that land to which the Plan applies can only be subdivided under the LEP with development consent. Development consent is being sought.

Clause 4.1 - Minimum subdivision lot size

The subject site is not nominated on the LEP Minimum Lot Size Map as having a minimum lot size control.

Clause 5.5 - Development within the coastal zone

The matters under this clause have been addressed above under State Environmental Planning Policy 71 – Coastal Development.

Clause 5.9 Preservation of trees or vegetation

Existing trees and vegetation on the subject site are addressed in the discussion of Flora and Fauna elsewhere in this report.

Clause 5.10 Heritage conservation

Clause 5.10 of the CHLEP 2013 provides for the conservation and protection of various heritage values within the LGA including Aboriginal and European heritage items and areas. This is relevant to the airport as the LEP has the following item listed as being located on it:

World War II bunker, Airport Drive, Lot 146 DP 1131927, Local Significance, Item No. 16

This item is located within a heath vegetated area being retained as a reserve in the north eastern area of the site. A Heritage Assessment was submitted with the subject application. As no work or any part of the proposed development is proposed in this area the heritage assessment did not make recommendation for interpretative, preservation or documentation works to be undertaken.

There are no other listed European Heritage items in the vicinity of the proposed development.

In regards to Aboriginal Cultural Heritage the application was notified to the Coffs Harbour & District Local Aboriginal Land Council. The LALC advice received back was that it's Senior Cultural Heritage Officer had previously undertaken "a Cultural Heritage Assessment of the airport and that no objects of Aboriginal origin were located during this assessment and after reviewing key indicators in relation to potential cultural heritage constraints it was determined that this development would have no constraints from a Cultural Heritage perspective". Standard procedural conditions were requested regarding any items uncovered during construction and which have been incorporated into the recommended conditions of consent.

Aside from the above searches, the Aboriginal Heritage Information Management System (AHIMS) search undertaken for this assessment found 3 recorded items within the airport land, the closest being approximately 570m to the south east of the proposed subdivision – which is considered far enough away to mitigate any likely risk of damage.

Clause 7.1 - Acid sulphate soils

The subject land is mapped as potential acid sulphate soils class 3 under the LEP. A preliminary contaminated lands assessment submitted with the application (discussed above under SEPP 55 – Remediation of Land) found that the proposed works are unlikely to lower the water table beyond 1 metre below the natural surface level and in general will not disturb the soils beyond 1 metre below the natural surface. However at the locations of some deep excavations along deep gravity sewer lines and at a sewer pump station installation, soils with acid sulphate potential were found.

In light of the above, and the analysis undertaken within the submitted Preliminary Acid Sulphate Assessment, the report concludes that an Acid Sulphate Soils Management

Plan will be required for the above works (under the Acid Sulphate Soils Manual) and that this be required as a condition of any development consent issued.

Clause 7.2 - Earthworks

Clause 7.2 specifies a number of matters that must be considered for development proposals that involve earthworks. The proposed development will involve some cut and fill to address the potentially high watertable in places. The proposed earthworks have been assessed by Council staff as being consistent with the requirements of the Clause (subject to appropriate conditions which have been incorporated into the recommendation of this report).

Clause 7.3 – Flood planning

Clause 7.3 specifies that a number of matters relating to flooding must be considered before consent can be granted.

The western quarter of the subject site is mapped as flood prone land. Due to this and the potential for the proposed subdivision and associated land filling to impact on flood behaviour on the site, adjoining properties and public roads, a flood impact assessment partially based on a previously completed Council flood study was submitted. This study is in addition to a stormwater management plan for the development itself.

Council's Engineers have reviewed the subject development including the above documents and plans and have advised that (subject to appropriate conditions) the development satisfies the provisions of the Clause.

Clause 7.8 – Koala habitat

Clause 7.8 requires that development to which it applies must be in accordance with the Coffs Harbour City Koala Plan of Management.

The Ecological assessment prepared by Naturecall Environmental and submitted with the proposal states that the Coffs Harbour KPOM does not apply to the subject site.

Clause 7.11 – Essential services

All services that are essential for the development are available and adequate as required by this provision.

ii. The provisions of any draft environmental planning instrument

Not applicable

iii. any Development Control Plan (DCP)

- **Coffs Harbour Development Control Plan 2015**

Part B Public Consultation

The application was advertised and notified in accordance with the provisions of the DCP 2015 between 9 July 2015 and 7 August 2015 with two public objections received.

Please refer to “**d. Any submissions made in accordance with this Act or the regulations**” later in this assessment for a detailed discussion of issues raised.

Part C1.1 Subdivision – General Design Requirements

Council's Engineers have signed off on the proposed subdivision design, subject to the application of a number of conditions included in the recommendation of this report.

On review of the subdivision layout, it is recommended that further detail be provided as part of the Construction Certificate documentation concerning proposed amended cycleway and pedestrian details along Hogbin Drive at the Intersection of new Road No. 1 (refer Plan C12, dated 2015) and also at the intersection of Hogbin Drive with Christmas Bells Road. Further, it is recommended that an extension of the cycleway from Hogbin Drive along the proposed new Road No.1 together with the new pedestrian link from the Hogbin Drive cycleway south along Christmas Bells Road be provided, generally as per plan C12, dated 2015. A condition to this effect has been included in the recommended conditions attached to this report.

Part C1.3 Subdivision – Design Requirements for Business and Industrial Zones

This part of DCP 2015 technically applies to the subdivision of land zoned for business and industrial purposes under the CHLEP 2013 which is not the case with the subject site currently being zoned SP1 Special Activity - Transport Facility. Nevertheless, the DCP provisions are a relevant consideration due to the nature of future landuses likely to locate within the development. The proposed development complies with the design requirements of this part of the DCP.

Part C1.7 Infrastructure Requirements for Certain Subdivisions

Part C1.7 applies to most subdivision proposals including special purpose, business and industrial zones land. Council's Engineers have signed off on the proposed infrastructure incorporated into the subject subdivision design subject to the application of a number of conditions included in the recommendation of this report.

Part C1.9 Water Management Requirements

Council's Engineers have signed off on the proposed stormwater management design incorporated into the subject subdivision which includes best practice stormwater management and water sensitive urban design techniques, subject to the application of a number of conditions included in the recommendation of this report.

Part C1.10 Erosion and Sediment Control Requirements

Council's Engineers have signed off on the proposed subdivision design subject to the application of a number of conditions included in the recommendation of this report.

Part C1.11 Environmental Requirements

As referenced in Part C1.11 of CHDCP 2015, please refer to the assessment of the proposal provided under Part E1 Biodiversity, later in this assessment.

Part C1.12 Flood Requirements

Please refer to the discussion and assessment of flooding impacts on and from the proposal earlier in this report under *CHLEP 2013, Clause 7.3 – Flood planning*.

Part C1.14 Land Dedication

Part C1.14 seeks to enable the dedication of suitable land of significant environmental value or public benefit in accordance with a VPA or other suitable arrangement in accordance with Council's Dedication of Land Policy.

To address the proposed dedication of drainage and environmental reserves in the subject application, appropriate conditions to ensure this have been included in the recommended conditions of consent attached to this report.

C1.15 Street Tree Planting

Council's Engineers have included appropriate conditions to ensure the proposed street tree planting complies with Council's requirements, within the recommended conditions of consent attached to this report.

C1.16 Amenity Requirements

C1.16 of the CHDCP 2015 seeks to ensure that the impact of road/rail noise or vibration is considered in the assessment of subdivision proposals near the Pacific Highway and/or rail corridors. This is not considered applicable to the subject proposal as it is located approximately 570m from the North Coast Rail Line.

C1.17 Heritage Requirements

C1.17 of the CHDCP 2015 seeks to preserve the heritage significance of heritage items and heritage conservation areas and conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. Please refer to the discussion of Heritage under *Clause 5.10 Heritage conservation* of the CHLEP 2013 earlier in this report.

Part E1.1 Preservation of Trees and Vegetation

E1.1 of the CHDCP 2015 prescribes vegetation for preservation for the purposes of Clause 5.9 of Coffs Harbour LEP 2013. It also seeks to preserve a diversity of plants and animals, through maintenance of ecological processes along with native old growth and/or hollow-bearing trees and requiring approval for removal of any such vegetation.

The DCP Preservation of Vegetation Map details the forest vegetation within the western boundary fronting Hogbin Drive as Prescribed Vegetation (a) and the remaining areas of the site as Prescribed Vegetation (b).

As stated elsewhere in this report, the ecological impacts of the proposal have been the subject of the ecological assessments submitted with the proposal along with specific measures incorporated into the proposal's design. A full discussion of these issues is provided later in this s79C Assessment under *(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.*

Part E1.2 Compensatory Requirements

E1.2 of the CHDCP 2015, sets the compensatory replacement rates for the removal of high conservation value vegetation. Council's Biodiversity Officer has reviewed the

subject application (as amended by the submission of additional information and revised plans during the assessment process) and advised that the proposal complies with the DCP requirements for Biodiversity protection including compensatory planting.

Part E3.1 Potentially Contaminated Land

E3.1 of the CHDCP 2015, seeks to determine whether land is contaminated as part of the development assessment process and ensure where required that preliminary site investigations are carried out in a satisfactory manner. Please refer to the assessment of the proposal under *State Environmental Planning Policy No 55—Remediation of Land* at the start of this s79c assessment for more information on this issue.

E4.8 Flood Planning Requirements – Subdivisions

E4.8 of the CHDCP 2015, requires development which includes land below the LEP flood planning level to be accompanied by flood study prepared by appropriate persons and which includes provision for climate change impacts. The subject application has been accompanied by the required flood assessment and appropriate design provision for stormwater management to comply with the relevant DCP requirements. Council's Engineering staff have reviewed these details and provided support for the proposal with the application of various necessary conditions which have been incorporated into the recommendation of this report.

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,

The Regulations do not prescribe any matters relevant to the proposed development.

v. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Council adopted the Coffs Harbour Coastal Zone Management Plan at its meeting of 14 February 2013. The plan provides the basis for future management and strategic land use planning of the Coffs Harbour coastal zone. The development site is within the study area of the plan but is not within any area covered by specific management strategies contained within the plan.

The Coffs Harbour Coastal Processes and Hazard Definition Study 2010 was prepared prior to, and informed the Coastal Zone Management Plan and identified likelihood of hazards occurring, such as beach erosion, coastal inundation and the impacts of sea level rise on these hazards by 2100. The Hazard Study does not identify any coastal processes that would impact on the development site.

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,

Flora and Fauna

Koala Habitat

The submitted Ecological Assessments by Naturecall Environmental makes the following assessment regarding impacts on Koalas by the proposal:

"The Koala was not detected on site during the Naturecall (2015) survey or a previous comprehensive survey (Geolink 2011), but has been recorded on land to the south of the

site (Geolink 2011, OEH 2016a). The Bionet database (OEH 2016a) shows the Koala has been recorded extensively within the locality, but only shows two records occur on site. One of these is only a low sighting accuracy (10km) and the other is outdated (record from 1991).

Notwithstanding, the small area of vegetation in the west of the site contains a limited abundance of Schedule 2 species (ie Swamp Mahogany). Searches for Koala scats however failed to indicate Koala usage, and hence no area of major activity occurs on site.

The habitat limitations, lack of usage and low fertility of the site's soils indicate the site is unlikely to be significant to the Koala for foraging and does not form part of a Koala's home range. The local population would thus extend well beyond the confines of the site/study area, and home ranges would be largely centred on nearby higher quality habitat, as records suggest.

The revised proposal will see removal of only 1 mature Swamp Mahogany and 9 stunted or young Swamp Mahogany (at least 5m tall). As noted above, these do not show evidence of Koala usage.

This loss will be offset via two mitigation measures. Firstly, the patch of swamp forest in the southwest corner of the CHRA lands which are currently inaccessible to Koalas due to a CASA standard security fence, will be made physically accessible via relocating the fence. This will enable access to 44 existing Swamp Mahogany in this area. In addition, the 4-8m wide cleared fenceline easement will be replanted with swamp forest species as part of the overall offset requirements under the DCP. This will include at least 70 Swamp Mahogany planted 5m apart to maximise their crown development and hence carrying capacity. In addition, the current 60km/hr zoning along the airport road will be reduced to a uniform 40 km/hr to increase Koala safety (although being a short road and the airport not being open 24hrs, collision risk is currently minor).

Overall, the proposal will not significantly reduce foraging resources for the local Koala population nor create a major new physical barrier, but will increase current fragmentation via the new access to Hogbin Drive. However, given that neither Core Koala Habitat or an area of major activity is impacted; connectivity is not effectively prevented between proximate habitat; carrying capacity will be increased in the medium term; and the extent of higher quality habitat remaining within range of the local population: the proposal is considered unlikely to result in impacts of sufficient order of magnitude to place a local viable population at risk of extinction due to loss of viability."

Wallum Froglet

The submitted Ecological Assessments by Naturecall Environmental makes the following assessment regarding impacts on the Wallum Froglet:

"The Wallum Froglet occurs in the study area as possibly two local populations – one secure and viable in a substantial body of heath and sedgeland to the east and northeast of the site; and reportedly a very small population to the north of the site in the tip of the linear remnant, which if present, faces significant long term viability challenges due to its small size, isolation and hence genetic diversity constraints. This area also appears unlikely to support water for a sufficient length to allow metamorphosis and hence recruitment and expansion of the population.

For the main population of the Wallum Froglet, the site habitat holds no significance as it is too poorly connected, is not a key corridor interlinking populations, and does not appear likely to support potential breeding.

For the small northern population, the site swamp forest and sedgeland habitat may offer at least marginal potential habitat for expansion, if this population were capable of recovery and had sufficient mobility (and incentive) to expand beyond the area of currently 'known' habitat.

This outcome however is a very low probability given the limited carrying capacity of the habitat and population size, and associated ecological constraints eg inbreeding and sufficient frogs dispersing and breeding in the new area. If this small population were to become extinct, this would not undermine the viability of the species in the locality given the larger known populations occur in protected and more extensive habitat to the east and northeast.

The proposal will fragment the potential habitat and clear some of it, but compensates via re-establishing the habitat lost, and enhancing connectivity to the northern habitat via revegetation.

Overall, given no key corridor or likely breeding habitat of the Wallum Froglet is removed, it is clear that the proposal does not impact important habitat in the study area."

Endangered Ecological Community

The submitted Ecological Assessments by Naturecall Environmental makes the following assessment regarding impacts on the Endangered Ecological Community (EEC) – Swamp Sclerophyll Forests on Coastal Floodplains found within part of the site:

"Site specific information collected by CHCC and OEH have refined the available information on soils on the site and geomorphology, to indicate that the southern part of the swamp forest in the west of the site occurs on alluvial soils. Given the floristics match the Final Determination and the area is below the 1:100 ARI, it thus follows that this vegetation is an example of the Endangered Ecological Community (EEC) – Swamp Sclerophyll Forests on Coastal Floodplains.

The local occurrence of this EEC extends to that in the study area ie extensive swamp forest to the southwest, which will eventually receive drainage from the site.

The proposal has only a low impact on this EEC, with a small area in the southern end impacted. This area is to be replanted with species characteristic of this EEC. In addition, the width of the EEC is to be expanded via planting of swamp forest (minus Swamp Mahogany) to both increase genetic diversity and retain carrying capacity, and provide a buffer to adjacent development. Indirect impacts such as weed invasion are at best a very low risk given edaphic conditions limit weed establishment, and stormwater containing nutrients will be directed to existing drains, not into the EEC. Furthermore, the watertable will not be lowered, hence the hydrological regime should also not change.

Overall thus, the proposal will only have a minor short term impact on this EEC, with the net result being a neutral outcome. The proposal thus has no potential to place the local occurrence at risk of extinction."

Common Blossom Bat & Yangochiropteran Bats

The submitted Ecological Assessments by Naturecall Environmental makes the following assessment regarding impacts on Common Blossom Bat & Yangochiropteran Bats:

"Common Blossom Bat: This species has been recorded on CHRA lands to the south of the site (Geolink 2011) and a few local records also exist to within 1.5km of the site.

The swamp forest (which is partially an EEC) and some of the scrub in the west of the site offer a small area of potential foraging habitat for this species. This area is separated from

more expansive potential habitat along the coastline, and is exposed to light spillage from the adjacent development and traffic associated with Hogbin Drive. There is no potential roosting habitat on the site or study area, hence this species would range from such habitat elsewhere, if it occurred close enough.

The proposal will not place a local population at risk of extinction given:

- ☐ *Roosting habitat is not affected.*
- ☐ *The small area of potential foraging habitat lost for the proposal is a fraction of the local extent including large areas of higher quality habitat remaining on CHRA lands and adjacent. This habitat will be over-compensated by the widening of the swamp forest to compensate for the loss, and planting out of the former fenceline easement in the southwest.*
- ☐ *No barriers to access will be created.*
- ☐ *No new mortality threat will be created.*

Yangochiropteran Bats: East-coast Freetail Bat, Eastern Bent-wing Bat, Little Bent-wing Bat, Greater Broad-nosed Bat, Hoary Bat - The Bent-wing bats and East-coast Freetail Bat have been recorded on CHRA lands (Geolink 2011) and the Greater Broad-nosed Bat has been recorded in the locality (OEH 2015a). The study site/area provides suitable foraging habitat for these bats mainly in the west which comprises swamp forest and scrub (part of which is an EEC) which may be used as a very small part of their wider foraging range.

This habitat is a minute fraction of similar and much more optimum habitat in nearby forested habitat to the south and east. It is not sufficient in extent to provide foraging habitat for any significant length of time or stage of their lifecycle.

No hollow-bearing trees were found on site, hence this is a significant limitation on the occurrence of these species. Given this and the lack of foraging habitat, a local population of these bats would need to extend well beyond the site to fulfil their lifecycle requirements.

The proposal will see removal/disturbance of 2.15ha of mixed regrowth vegetation in the west of the site. While this may lead to a reduction in potential prey resources, a significant extent of habitat will remain within their range to meet current requirements. Furthermore, this habitat loss is to be offset via a total of 5.19ha of revegetation, including creating entirely new habitat in the east ie a band of swamp forest. This new structure will provide a new foraging substrate for these species.

All are expected to potentially occur on site post-development during and long after construction, especially with the new vegetation in along Christmas Bells Lane and the eastern side creating new structures.

Considering the minor amount of habitat loss relative to the extent of habitat in the area; that no roosting habitat is impacted; and that a local population of these bats would extend well beyond the site: the order of magnitude of impacts associated with the proposal is not considered likely to be sufficient to be considered likely to place a local population of the subject bats at risk of extinction."

Comment: The proposal includes compensatory planting and ecological habitat within the open drainage swales proposed within the development, in addition to vegetation of buffers (shrub and heathlands) to the Endangered Ecological Community (EEC) – Swamp Sclerophyll Forests on Coastal Floodplains and other areas of Swamp Sclerophyll Forest (not classified as EEC) in the western areas of the development.

It also includes the relocation of an existing airport security fence located on the northern side of Airport Drive, to a location at the rear of the associated vegetated area which will open up this vegetation to Koala activity from the south of Airport Drive.

Council's Biodiversity Officer is supportive of the overall application and in particular is satisfied that the proposed onsite offset areas that have been incorporated into the design (which include dual use drainage/ compensatory planting functions of the open swales), are adequate with correct vegetation communities to meet the requirements of the Coffs Harbour DCP 2015.

Based on the above assessments, the proposed development is not expected to have any significant negative impacts on the biodiversity values of the land.

A preliminary Vegetation Management Plan (VMP) was submitted with the subject development application. Arising out of the assessment of the application undertaken a recommended condition of consent requires the submission and approval of a more comprehensive VMP and an Environmental Management Plan (EMP).

Traffic

The proposed development is not expected to result in any significant adverse traffic impacts. The subject development has been reviewed by both Council's Traffic Engineers and NSW Roads and Maritime Services as not having any unreasonable impacts on the local streets and wider traffic network subject to application of appropriate conditions.

c. The suitability of the site for the development,

The attributes of the site are considered to be conducive to the proposed subdivision.

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

As stated in the attached report, the subject application was advertised and notified in accordance with the provisions of the Coffs Harbour Development Control Plan 2015 between 9 July 2015 and 7 August 2015.

Two submissions by way of objections were received. The issues contained within these submissions were as follows (with appropriate comments provided):

1. The area is flood prone and forms a natural water retention area in high rainfall times. This water will have to go somewhere else if the land is developed and will exacerbate flooding. The effects of climate change will increase the frequency of such flood events.

Comment: As stated earlier in this report Clause 7.3, CHLEP 2013, specifies that a number of matters relating to flooding must be considered before consent can be granted.

The western quarter of the subject site is mapped as flood prone land. Due to this and the potential for the proposed subdivision and associated land filling to impact on flood behaviour on the site, adjoining properties and public roads, a flood impact assessment partially based on a previously completed Council flood study was submitted. This is in addition to a stormwater management plan for the development itself.

Council's Engineers have reviewed the subject development including the above documents and plans and have advised that (subject to appropriate conditions) that the development satisfies the relevant provisions of the LEP and CHDCP 2015.

2. The proposed development allows no buffer zones between industrial land use and high conservation value vegetation.

Comment: The proposed development is for a subdivision incorporating precincts for future technology and education, commercial, aviation and light and heavy industry. The lots identified for future industrial use (subject to future development consent) are located in the centre and eastern areas of the subdivision away from the EEC – Swamp Sclerophyll Forests on Coastal Floodplains located on the western edge of the site. In addition, a widened 50m buffer has been incorporated into the eastern edge of the subdivision between the rear of the industrial lots and the adjoining heathland.

3. The wetlands are important habitat for native flora and fauna

Comment: The assessment of the proposal has found that the subject site overall has evidently been subject to a significant disturbance history, which has historically seen the majority of the site cleared at some time. Most of the site aside from the western boundary has subsequently been regularly maintained via slashing, effectively preventing regeneration and reducing habitat support values. Based on the above and the measures incorporated into the proposed development, the subdivision is not expected to have any significant impacts to the biodiversity values of the land.

4. The increase in traffic, particularly heavy vehicles and B doubles on Hogbin Drive is unacceptable.

Comment: The subject development has been reviewed by both Council's Traffic Engineers and NSW Roads and Maritime Services as not having any unreasonable impacts on the local streets and wider traffic network subject to application of appropriate conditions.

5. Industrial development should be located with Pacific Highway access.

Comment: refer to above comment.

Other Submissions

The application was referred to the NSW Rural Fire Service (RFS) and to the NSW Department of Primary Industries - Water (NSW DPI Water) for review and comment as 'integrated development' under section 91, Environmental Planning and Assessment Act 1979.

The NSW RFS has issued a conditional Bushfire Safety Authority. Including a particular amendment that the proposed fire trail to the east of proposed lots 15-23 shall be designed and constructed to comply with the requirements of 4.1.2 Access (2) Fire Trails of PFBP 2006 including additional accesses provided that link the trail back to the road network at not more than 200m intervals, passing bays provided at not more than 200m intervals and an appropriate width and radius to allow a category 1 tanker to manoeuvre.

Additional clarification was subsequently sought from the RFS on these requirements with the advice received that "two additional access/egress points (total of three connecting the trail to the eastern most public road) will be a reasonable outcome. That the northern (*should be eastern*) dead ended trail needs a turning point (radiused head or reversing area). That any 90 degree turns (including "T" intersections) will need to have a minimum

inner turning radius of 6m and a minimum outer turning radius of 12m. This is to ensure Cat 1 tankers are able to turn efficiently without additional movements.”

The above requirements will require an amendment to the proposed subdivision that has been included in the recommended conditions of consent. The applicants have indicated a willingness and ability to comply with such conditions.

NSW DPI Water has issued their General Terms of Approval (GTA's) which have been incorporated into the recommended conditions of consent on the subject application.

The application was also notified to the Coffs Harbour & District Local Aboriginal Land Council with no objections being raised.

e. The public interest:

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

Proposed Conditions Development Application 871/15DA

ADMINISTRATIVE CONDITIONS**Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:

Demolition, Earthworks and 99 Lot Subdivision plus 1 Residue Lot (Integrated Development)**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 in Accordance with Plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No 1031/14).

Plan No.	Prepared by	Dated
Vegetation Communities Plan	De Groot & Bensen	Rev: DA4, 8/11/2016
Stormwater (Section) Details	De Groot & Bensen	Rev: DA4, 8/11/2016
Koala Fencing Plan	De Groot & Bensen	Rev: DA4, 8/11/2016

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

The approved plans 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, prepared by De Groot & Bensen and dated May 2015 (including any amendments to);
 - (2) Statutory Ecological Assessment, prepared by Naturecall Environmental, dated April 2015, and Supplementary Statutory Ecological Assessment prepared by Naturecall Environmental, dated March 2016;
 - (3) Flood Impact Assessment, prepared by De Groot & Bensen and dated May 2015
 - (4) Traffic Assessment, prepared by De Groot & Bensen, dated May 2015;
 - (5) Stormwater Quality Assessment/ Plans, prepared by De Groot & Bensen, dated April 2015;
 - (6) Preliminary Contaminated Lands Assessment, prepared by De Groot & Bensen, dated April 2015;
 - (7) Heritage Assessment, prepared by John Appleton, August 2008;

- (8) Archaeological Assessment, prepared by John Appleton, August 2008
- (9) Geotechnical Investigation, prepared by De Groot & Bensen, dated January 2012;
- (10) Preliminary Acid Sulphate Soil Assessment, prepared by De Groot & Bensen, August 2010;
- (11) Bushfire Hazard Assessment, prepared by Geolink, dated October 2011, and Addendum, prepared by De Groot & Bensen, dated May 2015.

Inconsistency between Documents:

- 5. In the event of any inconsistency between:
 - (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
 - (2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 6. **Prior to issue of the Construction Certificate**, and prior to commencement of any works on the site, a detailed Environmental Management Plan (EMP) being submitted and approved by Council. The EMP shall include, but not be limited to:
 - a. a detailed Vegetation Management Plan (VMP) in accordance with Council's '*Guideline for Preparing Vegetation Management Plans*' in Appendix 2 of the Coffs Harbour Development Control Plan. The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices.
 - b. A detailed landscaping plan for all unbuilt areas of the site. The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping. The Landscape plan is to be aligned to the Vegetation Management Plan.
 - c. Clear maps of where all works are being undertaken, including details identifying the landform and vegetation communities proposed across the site at the projects completion.
 - d. Details of the vegetation communities, including vegetation community descriptions, the total area amount of each vegetation community being cleared, the accompanying offset requirements as per the Coffs Harbour DCP 2015 and how these requirements will be met including the location of each replanted offset area.
 - e. Details of the locations of koala exclusion fencing, habitat plantings and koala refuge plantings.
 - f. Details of how the road layout, including placement of culverts, the final landform and vegetation communities are designed to support the ongoing use of the site by the Wallum Froglet (*Crinia tinnula*). This shall be prepared by persons with professional qualifications and/or knowledge and experience in the ecology of the Wallum Froglet.
 - g. A pre-clearing procedure for the detection of native fauna. The pre-clearing procedure is shall be prepared by persons with professional qualifications and/or knowledge and experience in fauna management and is to include the requirement

for a search of the area, including all hollows, before commencement of operations each day by a suitably qualified and experienced Ecologist.

- h. Where Acid Sulphate Soils (ASS) are identified all works are to proceed in accordance with the ASS Management Plan prepared by deGroot & Benson dated 13 May 2016, including:
 - i. Consideration shall be given to impacts on adjacent areas of Potential Acid Sulphate Soils with regard to dewatering activities during earthworks and construction.
 - ii. Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).
 - iii. All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the sediment and erosion plan
 - iv. Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.
- i. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, prepared by a qualified environmental or engineering consultant in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom.
- j. Timeframes and measures by which the effectiveness and completeness of actions can be measured, this is to include ongoing monitoring for a period of not less than 5 years from the issue of occupation certificate.
- k. Details of consultation with OEH regarding the development and content of the EMP

- 7. Koala habitat plantings should be concentrated along Christmas Bells Rd (with a widening of the drainage easement) to enhance the east west Koala habitat link. Koala Habitat plantings should not occur along Airport Drive or Aviation Drive.

Construction Certificate

Construction Certificate:

- 8. No building 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.

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. Planting shall be extended to provide screening for all lots from Hogbin Drive.

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

Stormwater Management Plan:

10. 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.

Cycle path link:

11. A cycle path linkage shall be provided from the modified cycle path on Hogbin Drive (as per Drawing No C12 dated 2015) into and along the full length of proposed access road No.1. This cycle path link is also to be included in the Construction Certificate design details for the new Access Road No.1.

Road Design and Services (Subdivision):

12. The following works:

- (a) roads;
- (b) *Realignment of the intersection of Christmas Bells Road and the new "Road 5" so that the subdivision road "Road 5" (currently part of Aviation Drive) becomes the through road and Christmas Bells Road becomes the leg of the "T";*
- (c) *intersection of Hogbin Drive and Christmas Bells Road upgraded to include a channelized left turn lane on Christmas Bells Road and Hogbin Drive;*
- (d) *Christmas Bells Road shall be upgraded to a 13m width with kerb and gutter;*
- (e) *a median 2m wide and 100m long be constructed equidistant at the new intersection of Hogbin Drive to ensure the intersection is left-in, left-out;*
- (f) *acceleration / deceleration lanes shall be constructed on Hogbin Drive with the new intersection;*
- (g) *bicycle path network be maintained along Hogbin Drive with an extension for the full length of proposed access road No. 1;*
- (h) water;
- (i) sewer;
- (j) *stormwater drainage including WSUD requirements;*
- (k) *interallotment drainage;*
- (l) *stormwater management plan works;*
- (m) *Culvert design under Hogbin Drive to incorporate capacity for Wallum Froglet movement where practicable.*

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).

Note:

- (1) a bus stop is not to be constructed in the left turn in at the entrance to the site near Hogbin Drive;*
- (2) the reticulated sewer network shall be designed using pressure sewer technology;*
- (3) WSUD infrastructure cannot be placed over other infrastructure;*
- (4) Swales and bioretention systems are not supported where access cannot be obtained for maintenance.*

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.

Relocation of Services

- 13. Existing services that traverse the site shall be relocated to within the road reserve or easements (where acceptable to Council). Detailed plans for the relocation of services shall be submitted to Council and approved with the **Construction Certificate**.

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

Pavement Assessment

- 14. A detailed pavement investigation shall be undertaken on Christmas Bells Road to ensure its structural integrity as an industrial pavement prior to release of the first **Construction Certificate** where access is to be obtained off Christmas Bells Road.

Any works identified in the investigation shall be included in this **Construction Certificate**.

Construction Management Plan

- 15. Prior to the **issue of the Construction Certificate** for any stage, a Construction Management Plan shall be submitted to Council and approved demonstrating how access and services for existing uses will be maintained during construction of that stage. Where this requires liaison with other authorities, their concurrence must be included with the Construction Management Plan.

Flood Study

- 16. Prior to the **issue of the first Construction Certificate** a detailed flood study shall be submitted detailing all works required on and around the site to satisfy Council's flood planning controls.

All works required to satisfy Council's flood planning controls shall be detailed in the relevant **Construction Certificates**.

Access restrictions to Airport Drive:

17. Access to the subdivision from Airport Drive being restricted by:

- Construction of a cul-de-sac head at Lot 79;
- Installation of boom gates on Aviation Drive at both Airport Drive and Lot 80;
- Installation of security fencing between the boom gate and property boundaries at these locations

Plans and specifications of the works are to be submitted to and approved by Council **prior to issue of the Construction Certificate**.

Street Names:

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

Erosion and Sedimentation Control Plan:

19. 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**.

Fill:

20. 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.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

Site Notice:

21. 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.

- (5) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site;
- (6) 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:

- 22. 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:

- 23. 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.

PART D – DURING CONSTRUCTION

Cultural Heritage:

- 24. 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 Office of Environment and Heritage (OEH), 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 the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Construction Management

Implementation of the Environmental Management Plan

- 25. All works are to be undertaken in accordance with the Environmental Management Plan described in Condition Number (6) above.

Approved Plans to be On-Site:

- 26. 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.

Protection of Trees On-Site:

- 27. All trees on site 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.

Excavated Material:

28. 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.

Waste and Contamination:

29. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Fill:

30. 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.

Importation of Fill:

31. The only fill material that may be received at the development is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
 - b) Any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material, excluding waste tyre.

At least 14 days prior to the importation of any fill material, details shall be submitted to the Certifying Authority for approval demonstrating that the material complies with the above requirement. No fill shall be imported without approval from the Certifying Authority.

Construction Site Access:

32. Construction site access is to be from Christmas Bells Road. Construction workers vehicles are not to obstruct access along Christmas Bells Road at any time.

Site Maintenance

Erosion and Sediment Control:

33. 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:

34. Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - (3) All materials shall be stored or stockpiled at the best locations;
 - (4) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
 - (5) 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;
 - (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
 - (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - (8) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

Hours of Work:

35. 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.

Remediation/Earthworks

Acid Sulphate Soil Management Plan:

36. The Acid Sulphate Soil Management Plan prepared by *de Groot and Benson Pty Ltd* and submitted with the application shall be implemented in full, with consideration to the following:
- (1) Consideration shall be given to impacts on adjacent areas of Potential Acid Sulphate Soils with regard to dewatering activities during earthworks and construction.
 - (2) Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to

suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).

- (3) All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the sediment and erosion plan (*as per conditions 34 and 35 of this approval*).
- (4) Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.

Public Way to be Unobstructed:

37. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Restriction on Title:

38. A restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of any lots effect, to the effect that:

- a. Drainage lines installed in the development being maintained by the benefiting property owners;*
- b. Rainwater tanks be installed on each lot as required in the WSUD modelling.*

Documentation for the provision of the easement is to be submitted with the subdivision application.

Note: an 88(b) instrument is acceptable subject to the area effected by the easement not requiring renewal upon sale or transfer at any time.

Any section 88B instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.

Details of the Restriction(s) are to accompany the application for Subdivision Certificate.

Landscaping Works:

39. **Prior to the issue of the Subdivision Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all landscape works have been carried out in accordance with the approved plan.

Vegetation Management Plan:

40. The works (other than maintenance works) prescribed in the approved Vegetation Management Plan (VMP) being completed **prior to issue of the 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:
 - a. the works (other than maintenance works) have been completed in accordance with the approved VMP.
 - b. details of each vegetation community created on the site, including total area of each community, to show that the offset requirements in the Coffs Harbour DCP 2015 have been met as per the approved EMP.

Exclusion fencing

41. **Prior to the issue of the Subdivision Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all fencing works have been carried out in accordance with the approved plan.

Vegetation Management – Positive Covenant Title:

42. The registered proprietor of the land must enter into a positive covenant with the relevant public authority pursuant to Section 88D of the Conveyancing Act 1919. The terms of the positive covenant shall require the registered proprietor to maintain and preserve the environmental works (including compensatory planting and habitat restoration) in accordance with the approved Vegetation Management Plan (VMP) and Environmental Management Plan (EMP).

Dedication of Land to Council:

43. The proponent must make necessary arrangements for the dedication to Council at no cost to Council of the land shown as lots 299 and 300 on the 'Proposed Staging Plan', date stamped 7 September 2015 at the time of registration of the Subdivision Certificate.

Prior to the issue of a Subdivision Certificate for the relevant stage of the subdivision, a deed of agreement must be prepared with Council to allow the proponent to carry out management and maintenance works on the open space area for two years after the dedication of the land. All necessary rehabilitation work must be undertaken to the satisfaction of Council prior to management passing to Council.

All costs are to be born by the proponent.

Dedication of Internal Roads:

44. 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.

Street Tree Planting:

45. 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:

46. The following works:

- (a) roads;
- (b) *a median 2m wide and 100m long be constructed equidistant at the new intersection of Hogbin Drive to ensure the intersection is left-in, left-out;*
- (c) *acceleration / deceleration lanes shall be constructed on Hogbin Drive with the new intersection;*
- (d) *bicycle path network be maintained along Hogbin Drive with an extension to the park adjacent to Lots 62 & 63;*
- (e) water;
- (f) sewer;
- (g) *stormwater drainage including WSUD requirements;*
- (h) *interallotment drainage;*
- (i) *stormwater management plan works;*
- (j) *Culvert design under Hogbin Drive to incorporate capacity for Wallum Froglet movement where practicable.*

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

Christmas Bells Road – pavement upgrade

47. Any works that were identified to be undertaken on Christmas Bells Road within Conditions 12 & 14 shall be completed in accordance with the approved plans and specifications prior to the release of the **first Subdivision Certificate.**

Access restrictions to Airport Drive:

48. The restriction for access to the subdivision from Airport Drive being completed in accordance with the approved plans and specifications prior to the release of the first **Subdivision Certificate.**

Intersection Upgrade – Hogbin Drive & Christmas Bells Road:

49. The intersection of Hogbin Drive and Christmas Bells Road shall be upgraded to include a channelized left turn lane on Christmas Bells Road being completed in accordance with the approved plans and specifications prior to the release of the **first Subdivision Certificate.**

Services:

50. 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 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 the relevant electricity energy provider with all work being completed **prior to release of the Subdivision Certificate.**

Stormwater Management Bond:

51. The developer shall lodge a maintenance bond with Council **prior to release of the Subdivision Certificate** for a sum of 15% of the cost of the stormwater treatment and water quality works.

This bond will be retained by Council until 50% of the subdivision is established with housing or continuing over a period of 5 years, whichever occurs first. The bond will ensure that the stormwater treatment works are completed and that necessary maintenance works are undertaken within that period by Council in the event that the works are not undertaken by the developer.

Stormwater Management Certification:

52. **Prior to issue of Subdivision Certificate** the consultant design engineer / landscape architect shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Work as Executed Plan:

53. **Prior to the issue of Subdivision Certificate**, a work as executed plan endorsed by an accredited 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.

Water Services and Sewer Junction:

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

Extension of Water and Sewer Mains:

55. 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 the Subdivision Certificate**.

Pressure Sewer Bond:

56. The applicant shall pay a bond to Council for the cost of purchase, installation and maintenance a pressure sewer unit for each lot **prior to release of the Subdivision Certificate**. The bond amount shall be agreed with Council prior to the release of each subdivision certificate. The bond shall be held by Council until the pressure sewer unit has been installed on that property during the construction of a building.

Fill - Certification:

57. **Prior to the release of the Subdivision Certificate**, a fill report along with 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:

58. 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.

Geotechnical Engineering Report:

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

PART H – INTEGRATED TERMS OF APPROVAL CONDITIONS

Water Management Act 2000

General Terms of Approval:

60. The General Terms of Approval (GTA) listed below apply to the controlled activities described in the plans and associated documentation relating to Development Application No. 0871/15DA and provided by Council.

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

Controlled Activity Approval:

61. 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 2000* from DPI 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.

Note: a copy of the CAA being submitted to Council **prior to the issue of Construction Certificate**.

Plans/Documentation:

62. The consent holder must prepare or commission the preparation of:
- *Works Schedule;*
 - *Erosion and Sediment Control Plan;*

Plan Preparation:

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

Certificate of Completion:

64. 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 DPI Water.

Maintenance:

65. 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 DPI Water.

Reinstate Waterfront Land:

66. 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 DPI Water.

Reporting Requirements:

67. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

Disposal of Material:

68. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by DPI Water.

Drainage Works:

69. 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 DPI Water and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

Discharge Points:

70. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

Erosion and Sediment Control Works:

71. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI 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.

Excavation on Waterfront Land:

72. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved DPI Water.

Maintaining River Function:

73. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.

Groundwater:

74. The consent holder must ensure that the stormwater infrastructure are not used to discharge of polluted water into a lake, river or groundwater otherwise than in accordance with the conditions of a license granted under the Protection of the Environment Operations Act 1997. The consent holder must ensure that a copy of the license to discharge is provided to DPI Water.

Water Act 1912

General Terms of Approval

75. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part 5 of the Water Act 1912 must be obtained from the Department if the take of water exceeds 3ML/yr. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

Limitations

76. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

Surrender of Existing Approvals

77. When the Departments grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

Public safety

78. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

Erosion

79. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

Vegetation

80. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorized under the Native Vegetation Conservation Act 1997, if applicable.

Precautions

81. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

Payment of fees

82. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

Use

83. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

Timing

84. Works for construction of a bore must be completed within such period as specified by the Department.

Notification of test results

85. Within two (2) months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.

Right to vary

86. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

Access

87. The licensee must allow authorized officers of the Department, and it's authorized agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
1. Inspecting the said work
 2. Taking samples of any water or material in the work and testing the samples.

Installations

88. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) or measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.

Limits

89. The authorized work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection

of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.

Term

90. The maximum term of this licence shall be twelve (12) months.

Volumes

91. The volume of groundwater extracted from the work authorized by the licence shall not exceed 5 megalitres for the term of the licence.

Discharge ph limits

92. The authorized work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.

Testing

93. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the record of the ph testing is to be returned with the for 'AG'.

Management

94. The work shall be managed in accordance with the constraints set out in an Acid Sulfate Soil Management Plan and Dewatering Management Plan approved by the Department.

Retention or holding ponds

95. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

Rural Fires Act 1997

96. The development proposal is to comply with the subdivision layout identified on the drawing prepared by de Groot and Benson numbered C18 Amendment DA3, dated 125/7/16.

Asset Protection Zones

97. The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the issue of subdivision certificate and then in perpetuity, proposed lots 1 - 100 shall be maintained as an Asset Protection Zone (APZ) 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'.

Water and Utilities

98. The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as

not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

99. The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that a perimeter road is not required.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

The proposed Fire Trail located to the East of proposed lots 15 - 23 shall be designed and constructed to comply with the requirements of 4.1.3 Access (2) Fire Trails of Planning for Bushfire Protection 2006.

General Advice – consent authority to note

Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

The proposed fire trail, located to the East of proposed lots 15 - 23, shall have:

- additional accesses provided that link the trail back to the road network at not more than 200m intervals.
- passing bays provided at not more than 200m intervals.
- appropriate width and radius to allow a Category 1 tanker to manoeuvre.

ADVISORY NOTES

Compliance Certificate, Water Supply Authority Act, 2000:

1. **Prior to issuing a *Subdivision Certificate/Construction Certificate***, a Compliance Certificate shall be provided to the approval authority showing that the development complies with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority **before the release of the Construction Certificate**;
- (2) the approval authority **before the release of the Subdivision Certificate**.

Requirements of Public Authorities for Connection to Services:

2. The Proponent shall comply with the requirements of any public authorities (e.g. the relevant electricity energy provider, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authority are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of the Construction Certificate.**

Public Road Reserves:

3. No work is to be undertaken within a public road reserve without prior written approval from Council. Applications for such approval are to be accompanied by the necessary security deposit and must satisfy Council that adequate Public Liability Insurance has been obtained, with Council being nominated as co-insured.