

MEMORANDUM

TO: JRPP Secretariat

FROM: Ben Oliver - Assessment Coordinator Coffs Harbour City Council

SUBJECT: Changes to Conditions 871/15 DA / 2015NTH010

DATE: 10 March 2017

Hello Lisa, as discussed in my email, the Proponent, Council and Councils Independent Planning Consultant, have jointly agreed to amend some of the conditions (Attachment C). The changes have been highlighted (in red) for Panel Members convenience.

Can you please advise the Panel Members that the attached conditions (Attachment C) are the conditions for the endorsement of the Panel at its meeting on the 15th March 2017.

See below list of amended conditions with a brief explanation:

- Condition 6 – New condition added to recognise staged construction of the subdivision.
- Condition 7 – Minor changes consistent with staging. Reference to Airport Masterplan for landscaping purposes.
- Condition 10 - Reference to Airport Masterplan for landscaping purposes. Agreement that Lot 1 be excluded to enable adequate sight distances for traffic safety.
- Condition 13 – Minor changes to conditions to provide clarity and be consistent with staging.
- Condition 14 to 21 - Minor changes consistent with staging.
- Condition 26 – Minor change to be consistent with renumbering.
- Condition 47 – Minor change consistent with condition 13.
- Condition 48 to 50 - Minor changes consistent with staging.

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 & Benson	Rev: DA4, 8/11/2016
Stormwater (Section) Details	De Groot & Benson	Rev: DA4, 8/11/2016
Koala Fencing Plan	De Groot & Benson	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 & Benson 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 & Benson and dated May 2015
 - (4) Traffic Assessment, prepared by De Groot & Benson, dated May 2015;
 - (5) Stormwater Quality Assessment/ Plans, prepared by De Groot & Benson, dated April 2015;

- (6) Preliminary Contaminated Lands Assessment, prepared by De Groot & Benson, 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 & Benson, dated January 2012;
- (10) Preliminary Acid Sulphate Soil Assessment, prepared by De Groot & Benson, August 2010;
- (11) Bushfire Hazard Assessment, prepared by Geolink, dated October 2011, and Addendum, prepared by De Groot & Benson, 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.

Staging of Development:

- 6. This development consent acknowledges that the construction of the project will be staged generally in accordance with the staging plan submitted with the application or as subsequently agreed to by Council.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 7. **Prior to issue of the Construction Certificate for earthworks or civil works in a Stage**, and prior to commencement of any works on the site, a detailed Environmental Management Plan (EMP) being submitted and approved by Council for the works covered by the Construction Certificate. 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 **for the works covered by the Construction Certificate**. 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 Coffs Harbour Regional Airport 2014 Master Plan Update (August 2014)**, 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*) **for the works covered by the Construction Certificate**. 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 **for the works covered by the Construction Certificate**, 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

8. 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:

9. 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):

10. 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*" Guidelines and the Coffs Harbour Regional Airport 2014 Master Plan Update (August 2016).

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 except for Lot 1.

The Plan is to be approved by Council prior to the issue of a Construction Certificate for civil works in a Stage.

Stormwater Management Plan:

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

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

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

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

Cycle path link:

12. 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):

13. 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 from the intersection with Hogbin Drive to proposed Lot 15 ;*
- (e) *works be provided at the new intersection with Hogbin Drive to reinforce the left-in, left-out movements to the satisfaction of Council;*
- (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 for earthworks or civil works in a Stage**. 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

14. 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 **relevant Construction Certificate**.

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

Pavement Assessment

15. 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 **Stage 2 Construction Certificate**.

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

Construction Management Plan

16. 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

17. Prior to the **issue of the first Construction Certificate for Civil Works** 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:

18. 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 Stage 1 Construction Certificate**.

Street Names:

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

Erosion and Sedimentation Control Plan:

20. 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 any bulk earthworks or civil Construction Certificate.**

Fill:

21. Contour plans indicating the location of proposed fill areas in the subdivision being submitted and approved by Council **prior to issue of the relevant 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:**

22. 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:

23. 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:

24. 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:

25. 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

26. All works are to be undertaken in accordance with the Environmental Management Plan described in Condition Number (7) above.

Approved Plans to be On-Site:

27. 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:

28. 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:

29. 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:

30. 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:

31. 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:

32. 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:

33. 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:

34. 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:

35. 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:

36. 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:

37. 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.
- (4) Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.

Public Way to be Unobstructed:

38. 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:

39. 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:

40. **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:

41. 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

42. **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:

43. 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:

44. The proponent must make necessary arrangements for the dedication to Council, at no cost to Council, of the land shown as drainage reserves and/or open space on the proposed subdivision plan.

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:

45. 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:

46. The planting proposed in the approved Street Tree Planting Plan is to be carried out to satisfaction of Council, **prior to issue of a Subdivision Certificate** for the

relevant stage unless other arrangements satisfactory to Council for completion at some other stage are made. This may include an agreement being reached with Council for the completion of work by Council.

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

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

Access and Services:

47. The following works:

- (a) roads;
- (b) *new intersection works on Hogbin Drive to reinforce the left-in, left-out movements;*
- (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

48. Any works that were identified to be undertaken on Christmas Bells Road within Conditions **13 & 15** shall be completed in accordance with the approved plans and specifications prior to the release of the **relevant stage (Stage 2 and 3) Subdivision Certificate**.

Access restrictions to Airport Drive:

49. 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 **relevant Subdivision Certificate**.

Intersection Upgrade – Hogbin Drive & Christmas Bells Road:

50. 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 **Stage 2 Subdivision Certificate**.

Services:

51. 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:

52. 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:

53. **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:

54. **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:

55. 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:

56. 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:

57. 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:

58. **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:

59. **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:

60. 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:

61. 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:

62. 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:

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

- *Works Schedule;*
- *Erosion and Sediment Control Plan;*

Plan Preparation:

64. 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:

65. 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:

66. 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:

67. 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:

68. 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:

69. 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:

70. 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:

71. 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:

72. 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:

73. 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:

74. 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:

75. 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**

76. 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

77. 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

78. 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

79. 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

80. 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

81. 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

82. 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

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

Use

84. 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

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

Notification of test results

86. 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

87. 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

88. The licensee must allow authorized officers of the Department, and its 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

89. 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

90. 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

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

Volumes

92. 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

93. 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

94. 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

95. 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

96. 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

97. 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

98. 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

99. 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

100. 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.