

**Memo to:** Northern Regional Planning Panel Chair

**Memo from:** Gilbert Blackburn - Coordinator Development Assessment

**Subject:** Amendment to Appendix C - Schedule of Conditions to Address Matters Raised in Development Assessment Report

I have become aware that some matters referred to in the development assessment report, as being addressed by conditions of development consent, are not reflected in the conditions of consent Appendix C. I have reproduced, from the assessment report, the bottom part of Page 32 which is the relevant section.

***Amenity Impacts***

- *Potential Impacts during construction especially from noise and dust;*
- *Adverse impacts on privacy due to the finished road and lot heights relative to surrounding and existing development.*

***Comment*** - *A submission has expressed concern about the finished height of road and lots in the subdivision where they adjoining existing residential development. This occurs in the vicinity of Lots 218 and 219 and where Road 2 is located.*

*The road and the lots in this location will be approximately 1.2 to 1.5 metres above the existing level of adjoining residential lots. The concern is about loss of privacy and danger from vehicles travelling on Road 2.*

*Loss of privacy can be addressed by fencing on the boundary of the existing residential lots and proposed Road 2 and this is required by a condition of development consent.*

*Danger from travelling vehicles can be partly addressed by chevron, directional road signage, but any danger from travelling vehicles is considered unlikely in the circumstances. This area is a low speed environment and Road 2 has a limited road length. It is considered unlikely that vehicles will achieve speeds to be a danger in this location. Road sign marking is required by a condition of development consent.*

*Conditions of development consent can address concerns about noise and dust during construction.*

I believe that this issue can be addressed by one simple amendments to Condition 10 and another simple amendment to Condition 47.

A copy of the proposed amended wording to Condition 10 and Condition 47 (with amendments shown in red) is below.

10. The following works:

- (1) Roads;
- (2) Footpaths and pathways;
- (3) Shared path;
- (4) Access tracks;
- (5) Water supply;
- (6) Sewerage;
- (7) Sewer pumping station;
- (8) Stormwater drainage including WSUD requirements;
- (9) Interallotment drainage;

- (10) Stormwater management plan works;
- (11) Bus stops;
- (12) Chevron, directional signage for Road 2;
- (13) Fencing to the common boundary between Road 2 and existing residential lots;

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:

- (a) where batters are greater than 600mm height between properties retaining walls are required. Batters greater than 1V:4H on private property are to be stabilised. Detail provided with the construction certificate;
- (b) Maximum allowable batters within Council maintained land is to be 1V:4H and cut 1V:3H;
- (c) Footpaths are to be 1.5m wide;
- (d) Shared pathways are to be 2.5m wide;
- (e) Full details for stormwater infrastructure to be provided with first construction certificate for works within each catchment;
- (f) Bollards for protection of aboriginal artefacts to be located a minimum of 0.5m from the outside of any sewer main;
- (g) Sewer alignment is not to be within the vicinity of the neighbourhood park (in accordance with Council Policy), unless suitable arrangements are made with Council;
- (h) Liaise with Council for sewer pump station design requirements;
- (i) Water mains are to be PVC-O or PVC-M;
- (j) Service trail around SPS and WSUD infrastructure to have gates restricting access to authorised vehicles;
- (k) A risk assessment in accordance with industry guidelines of the bio-retention and detention basins in public reserves is to accompany the design, considering depth of ponding, batter slopes, etc
- (l) Details for the neighbourhood park must be provided to ensure it can be located as proposed with clearance in accordance with Councils Protection of Underground Assets Policy prior to release of the Civil Works Construction Certificate for Road 2 adjacent to the park unless alternative arrangements suitable to Council are made;
- (m) Conceptual stormwater details for the entire site demonstrating feasibility of the stormwater management design must be submitted to Council and approved prior to release of the first construction certificate south of the culvert.
- (n) Fencing to the common boundary between Road 2 and existing residential lots must be 1.8 metres high with no gaps.

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

- A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works;
- Accreditation of private certifiers for public sewer and water reticulation works is not

offered under the Building Professionals Act 2005;

- Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act;
- Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

A private certifier who issues a Civil Works Construction Certificate must forward a copy of the Certificate along with a copy of the approved plans and ITP to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

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

### **Road Design and Services:**

47. The following works:

- (1) Roads;
- (2) Footpaths and pathways;
- (3) Shared path;
- (4) Access tracks;
- (5) Water;
- (6) Sewer;
- (7) Sewer pumping station;
- (8) Stormwater drainage including WSUD requirements;
- (9) Interallotment drainage;
- (10) Stormwater management plan works;
- (11) Bus stops
- (12) Being 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 (WSUD).
- (13) Chevron, directional signage for Road 2;
- (14) Fencing to the common boundary between Road 2 and existing residential lots;

These works are to be completed **prior to the issue of a Subdivision Certificate** for the relevant stage

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

I have provided a full copy of the Schedule of Conditions with the amendments to Conditions 10 and Condition 47 in red.

**Gilbert Blackburn**

**Coordinator Development Assessment**

## APPENDIX C (Amended 10 OCT 2019)

### Schedule of Conditions

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#### ADMINISTRATIVE CONDITIONS

##### Development Description:

1. Development consent is granted only to carrying out the development described below:
  - *Subdivision (220 Residential Lots, Roads, Landscaping, Civil Infrastructure, Public Reserves & Residual Lot).*

##### Prescribed Conditions:

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

##### Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent.

Plan No.	Amendment	Prepared by	Dated
Plan of Subdivision - Overall Layout	F	RPS	18 SEP 2019
Bulk Earthworks Cut to Fill	G	de Groot & Benson	16 SEP 2019

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

##### Development in Accordance with Documents:

4. The development must be undertaken in accordance with the following documents:
  - (1) Statement of Environmental Effects (including amendments to), prepared by Planners North and dated March 2018;
  - (2) Arborist Report - Tree Protection Plan for proposed sub-division, prepared by Arbpro, dated December 2018;
  - (3) Heritage Assessment, prepared by Everick Heritage Consultants Pty Ltd, dated August 2017;
  - (3) Bushfire Threat Assessment Report, prepared by Peter Thorton, dated January 2018;
  - (4) Engineering Issues Report, prepared by de Groot & Benson, Rev B, dated July 2018;
  - (5) Flora and Fauna Assessment, prepared Peter Parker Environmental Consultants, dated August 2018;
  - (6) Traffic Impact Assessment, prepared by George Stulle and dated January 2018;
  - (7) Visual Analysis, prepared by Jackie Amos Landscape Architect, dated March 2018;
  - (8) Acid Sulfate Soils Management Plan, prepared by Planners North, dated August 2019.

**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.

**Design Modification:**

6. The design of the subdivision must be amended as follows:
  - (1) Roundabout modified to ensure compliance with Austroads – Guide to Road Design - Part 4B. This will modify the sizes of Lot 60, 96, 118 and the design of and reserve with Bio-basin 2.
  - (2) Shared path connecting this development to Bambara Drive shall run along Bambara Drive from Road 11 connecting to the exiting shared path north of Mimiwali Drive.

Design plans which include these modification are to be submitted to Council and approved prior to issue of a construction certificate and prior to any work commencing on site.

**PRIOR TO ISSUE OF A CIVIL WORKS CONSTRUCTION CERTIFICATE**

**Construction Certificate:**

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

**Modification of Development Consent**

8. Development Consent MP08\_0080 must be modified such that all residential development including all roads and residential infrastructure south of the watercourse on the land, is no longer a development component of the development consent. Earthworks that has occurred south of the watercourse on the land can remain as a development component.

The notice of modification of Development Consent MP08\_0080 must occur prior to issue of the first construction certificate and must occur in accordance with the regulations.

**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" and 'Street Tree Planting Detail'.

The Plan shall be prepared by a qualified landscape architect or professional landscape consultant. The Plan must show all services and planting detail in accordance with Council's minimum requirements; alternatively, a higher standard may be considered for tree protection.

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

**Road Design and Services:**

10. The following works:

- (1) Roads;
- (2) Footpaths and pathways;
- (3) Shared path;
- (4) Access tracks;
- (5) Water supply;
- (6) Sewerage;
- (7) Sewer pumping station;
- (8) Stormwater drainage including WSUD requirements;
- (9) Interallotment drainage;
- (10) Stormwater management plan works;
- (11) Bus stops;
- (12) Chevron, directional signage for Road 2;
- (13) Fencing to the common boundary between Road 2 and existing residential lots;

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:

- (a) where batters are greater than 600mm height between properties retaining walls are required. Batters greater than 1V:4H on private property are to be stabilised. Detail provided with the construction certificate;
- (b) Maximum allowable batters within Council maintained land is to be 1V:4H and cut 1V:3H;
- (c) Footpaths are to be 1.5m wide;
- (d) Shared pathways are to be 2.5m wide;
- (e) Full details for stormwater infrastructure to be provided with first construction certificate for works within each catchment;
- (f) Bollards for protection of aboriginal artefacts to be located a minimum of 0.5m from the outside of any sewer main;
- (g) Sewer alignment is not to be within the vicinity of the neighbourhood park (in accordance with Council Policy), unless suitable arrangements are made with Council;
- (h) Liaise with Council for sewer pump station design requirements;
- (i) Water mains are to be PVC-O or PVC-M;

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- (j) Service trail around SPS and WSUD infrastructure to have gates restricting access to authorised vehicles;
- (k) A risk assessment in accordance with industry guidelines of the bio-retention and detention basins in public reserves is to accompany the design, considering depth of ponding, batter slopes, etc
- (l) Details for the neighbourhood park must be provided to ensure it can be located as proposed with clearance in accordance with Councils Protection of Underground Assets Policy prior to release of the Civil Works Construction Certificate for Road 2 adjacent to the park unless alternative arrangements suitable to Council are made;
- (m) Conceptual stormwater details for the entire site demonstrating feasibility of the stormwater management design must be submitted to Council and approved prior to release of the first construction certificate south of the culvert.
- (n) **Fencing to the common boundary between Road 2 and existing residential lots must be 1.8 metres high with no gaps.**

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

- A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works;
- Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005;
- Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act;
- Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

A private certifier who issues a Civil Works Construction Certificate must forward a copy of the Certificate along with a copy of the approved plans and ITP to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

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

### **Bio-retention Adjoining National Park – Details:**

11. The discharge zone between the western bund wall of Bio-retention Basin 4 and the property boundary with Bongil Bongil National Park, must be densely planted with the native flora species Swordgrass (*Ghania clarkeii*), Smamp Mahogany (*Eucalyptus robusta*), Paperbarks (*Melaleuca quinquenervia* & *Melaleuca stypheliodes*) and *Lomandra* sp. To help slow peak discharge velocity, capture sediment, absorb water and ingest nutrients prior to the treated stormwater entering the national park.

Details of work to comply with this condition must be submitted to Council and approved prior to release of the construction certificate for any residential lots or roads that will drain to Bio-retention Basin 4.

**Buses:**

12. A detailed design of proposed bus stop facility, including bus shelters and the proposed routes, are to be provided as part of the Civil Works Construction Certificate for the relevant stage. These designs are to include manoeuvring diagrams to show that the buses will be able to move safely through the subdivision in accordance Council Standards.

Comments of the bus company/s servicing the area containing the development must be obtained, and any reasonable requirements of the bus company are to be considered in the design for each stage involving these facilities. A copy of the comments is to be provided to Council. Council will consider these comments in assessing the Civil Works Construction Certificate.

**Fencing and Access to Bongil Bongil National Park - Details:**

13. Fencing including restricted access points to the boundary of the site where it adjoins Bongil Bongil National Park must be provided. Details of the fencing and access must be provided to Council and approved prior to issue of a construction certificate for any residential lots or roads that adjoin Bongil Bongil National Park. Details of consultation with, and approval of, the fence location, construction details and access points, with the National Parks and Wildlife Service Manager Coffs Coast Area, must be provided to Council with the fencing and access details.

**Fencing to E2 Zoned Land - Details:**

14. Fencing of the boundary of Lot 700, to exclude koalas from residential areas, and exclude cats and dogs from entering the land zoned E2 – Environmental Conservation, is to be provided. Details of the fencing must be provided to Council and approved prior to issue of a construction certificate for any residential lots or roads that adjoin Lot 700.

**Manoeuvring Areas:**

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

**Pathway:**

16. A pathway 4m wide with a 2m wide concrete footway being provided between Road 9 and Road 3. The design is to comply with Council's Development Design and Construction Specifications.

The pathway location and design being submitted to and approved by Council prior to issue of the Construction Certificate for the relevant stage.

**Street Names:**

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

**Erosion and Sedimentation Control Measures:**

18. A Soil and Water Management Plan must 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 for the relevant stage.

**Fill:**

19. 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 for the relevant stage.

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.

**Retaining Works:**

20. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

**Landscape Plan Modifications:**

21. In order to remove Koala feed trees from urban areas a revised landscape plan incorporating the following:
  - a) Compliance with Appendix 3 of the Coffs Harbour Development Control Plan 2015;
  - b) Exclusion of koala feed trees from within the urban area, including parks;

Details shall be submitted to and approved by Council **prior to the issue of a Construction Certificate** for the relevant stage.

**Vegetation Management Plan:**

22. Prior to issue of the Construction Certificate, and prior to commencement of any works on the site, a detailed Vegetation Management Plan prepared in accordance with Council's 'Guideline for Preparing Vegetation Management Plans' (contained in Appendix 2 of the Coffs Harbour Development Control Plan 2015) must be submitted to Council and approved.

The vegetation management plan will relate to all areas of Hairy Joint Grass, lots 500, 501 and Lot 700. Specific actions to ensure the on-going viability of the Hairy Joint Grass are required to be described. The requirements of this condition shall lapse with respect to Lot 700 if a Biodiversity Stewardship Agreement is established over that land.

The vegetation management plan shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who is eligible for membership to the Australian Association of Bush Regenerators.

**PRIOR TO COMMENCEMENT OF WORKS**

**Site Notice:**

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

**Notice to be Given Prior to Commencement / Earthworks:**

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

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

**Contact Telephone Number:**

25. 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.

**Road Opening Permit:**

26. Prior to the commencement of works within the road reserve a road opening permit must be obtained from Council Roads and Open Space Section in accordance with Section 138 of the Roads Act 1993.

**Erosion and Sediment Control:**

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

**DURING WORKS**

**Approved Plans to be On-Site:**

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

**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:

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

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "Waste Classification Guidelines" and shall comply with the terms of any approval issued by Council.

**Fill:**

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 demonstrating the material complies with the above requirements.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

**Erosion and Sediment Control(1):**

32. 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.

**Tree Protection Plan:**

33. Works shall be completed in accordance with the 'Tree Protection Plan' contained within the Arborist Report - Tree Protection Plan for proposed sub-division, Arbpro December 2018.

**Protection of Drip Line:**

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

**Arborist Works:**

35. Approved arborist works are to be conducted in accordance with Australian Standard AS 4373-2007 "Pruning of Amenity Trees" and the approved 'Arborist Plan (Arborist Report - Tree Protection Plan for proposed sub-division', prepared by Arbpro and dated December 2018).

**Protection of Trees On-Site:**

36. 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.

**Fill:**

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

**Dust Control Measures:**

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

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### **Hours of Work:**

39. 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.

### **Cultural Heritage:**

40. 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.

### **Acid Sulfate Soil Management Plan:**

41. The Acid Sulfate Soil Management Plan, prepared by Planners North, dated August shall be implemented in full during subdivision works.

### **Public Way to be Unobstructed:**

42. The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Road and Open Spaces section.

### **Stormwater:**

43. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.

## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **Part 4A Certificate:**

44. Prior to the registration of the final subdivision plan at Land and Property Information NSW a Part 4A Certificate (Subdivision Certificate) shall be obtained from Council under section 109D(1)(d) of the Environmental Planning and Assessment Act 1979.

### **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 must 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 January 2019 is \$900.00 per tree and is subject to indexation at the CP/Sydney Index rate.

**Road Design and Services:**

47. The following works:

- (1) Roads;
- (2) Footpaths and pathways;
- (3) Shared path;
- (4) Access tracks;
- (5) Water;
- (6) Sewer;
- (7) Sewer pumping station;
- (8) Stormwater drainage including WSUD requirements;
- (9) Interallotment drainage;
- (10) Stormwater management plan works;
- (11) Bus stops
- (12) Being 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 (WSUD).
- (13) Chevron, directional signage for Road 2;
- (14) Fencing to the common boundary between Road 2 and existing residential lots;

These works are to be completed **prior to the issue of a Subdivision Certificate** for the relevant stage

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

**Bio-retention Adjoining National Park – Planting:**

48. All dense planting of the discharge zone between the western bund wall of Bio-retention Basin 4 and the property boundary with Bongil Bongil National Park, must be completed, in accordance with the approved detail, prior to issue of the subdivision certificate for any residential lots or roads that will drain to Bio-retention Basin 4.

**Fencing and Access to Bongil Bongil National Park - Construction:**

49. All fencing, including restricted access points, to the boundary of the site where it adjoins Bongil Bongil National Park, must be constructed in accordance with the approved details, prior to issue of a subdivision certificate for any residential lots or roads that adjoin Bongil Bongil National Park.

**Fencing to E2 Zoned Land - Construction:**

50. Fencing of the boundary of Lot 700, to exclude koalas from residential areas, and exclude cats and dogs from entering the land zoned E2 – Environmental Conservation, must be constructed in accordance with the approved details, prior to issue of a construction certificate for any residential lots or roads that adjoin Lot 700.

**Maintenance Bond**

51. Prior to issue of a Subdivision Certificate and acceptance of 'On Maintenance' period, a maintenance bond for the constructed civil engineering works required to be dedicated to Council must be paid to Council. The bond may be in cash or by financial institution guarantee.

The bond required is the larger sum of:

- 10% of the contract sum for works associated with water and sewer plus 5% of the contract sum for all other works where the total value is more than \$50,000 or;
- \$5,000.

All work to be dedicated to Council is subject to a maintenance period of six (6) months from the date of release of the Subdivision Certificate. The maintenance period may be extended by Council due to material or construction work compliance reasons. The maintenance period and bond amounts for WSUD systems must be in accordance with the Council or accredited private certifier approved stormwater management plan.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with Councils Standards.

Note: If a financial institute guarantee is proposed to be used, please contact Council to determine whether this institute is acceptable to Council as well as to ascertain specific requirements of the guarantee.

**Surveyor Certification:**

52. Prior to the issue of a Subdivision Certificate, certification is to be provided to Council by a registered surveyor confirming that all infrastructure (including services, stormwater infrastructure and drainage paths, access) are contained within the respective lots or easements for the lands to be subdivided.

### Section 7.11 Monetary Contributions:

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

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

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

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

The current contribution rate is:	Per Lot
Co-ordination and Administration	245.51
Coffs Harbour Road Network	877.39
Surf Rescue Equipment	142.40
District Open Space	4,003.36
North Bonville Neighbourhood Open Space	195.16
Stormwater Management	1,494.54
Transport & Traffic	6,098.42
Urban Planning	68.24

**The Part 7.11 contribution is currently \$2,874,379.88 for the 219 additional lots proposed in the subdivision.**

**Contributions have been imposed under the following plans:**

- Coffs Harbour Open Space 2017.
- Coffs Harbour Road Network 2016.
- Surf Rescue Facilities 2016.
- Coffs Harbour Administration Levy 2016.
- North Bonville 2017.

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

### Water and Sewerage Services – Developer Services Charges:

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

### Dedication of Internal Roads:

55. 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.

### Dedication of Public Reserves to Council:

56. The proponent must make necessary arrangements for the dedication of proposed public reserves to Council, at the time of registration of any Subdivision Certificate for residential lots located on the southern side of the watercourse on the site.

## *NORTHERN REGIONAL PLANNING PANEL REPORT*

The lands must be transferred or dedicated to the Council in fee simple free of encumbrances, other than those acceptable to Council at or prior to the registration of the plan.

Prior to 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 public reserve after dedication. The deed of agreement must specify a time period that will allow for all management and maintenance works that are stipulated in the approved vegetation management plan to be carried out.

Land identified for acquisition within the North Bonville Developer Contributions Plan 2017 will be subject to compensation. The value is to be determined at the date of transfer or dedication in accordance with Section 54(1) of the Land Acquisition (Just Terms Compensation) Act 1991 with the relevant matters to be considered as set down by Section 55 of the Act.

Other land, not identified for acquisition, must be dedicated to Council at no cost to Council.

### **Services:**

57. All lots in the Subdivision must be provided with underground reticulated electricity and telephone cables. The applicant shall provide a letter from the relevant electricity energy provider stating that satisfactory arrangements have been made for the supply of electricity and a letter from the telecommunications provider 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 Asset Bond:**

58. The bio-retention system cannot be planted out and utilised as a water sensitive urban design measure until 80% of dwellings in the catchment have been constructed.

Any bio-retention system contained within land being dedicated to Council that has not been planted out with satisfactory survival rate for 12 months is subject to a Stormwater Asset bond to be lodged with Council prior to the release of the Subdivision Certificate.

Where the bio-retention system is still operating as a sedimentation basin, the asset bond will be for a sum of 150% of the cost of construction, establishment and maintenance of the landscaping and 150% of the cost of construction of the uncompleted civil components. The bond will be retained by Council until 80% of allotment building phase is established or 4 years following practical completion of the subdivision, whichever occurs first.

At this stage, following the completion of the bio-retention by the developer or where the bio-retention basin has been operational for less than 12 months at time of dedication, a bond for 100% of the cost of establishment and maintenance of the vegetation is to be available to Council. The bond will be retained by Council for at least one growing season of 6 to 12 months and vegetation has been established satisfactorily.

The Stormwater Asset 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.

**Work as Executed Plan:**

59. Prior to the issue of the Subdivision Certificate for the relevant stage, a work as executed plan endorsed by a registered surveyor or consulting engineer (hard or digital format) in accordance with Council specifications and standard drawings, being submitted to Council certifying that:
- (1) the approved civil works have been undertaken with any amendments shown in red on the approved plans;
  - (2) All drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement;
  - (3) The plans accurately reflect the work as executed.

**Fill - Certification:**

60. 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:**

61. 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:**

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

**Landscaping Works:**

63. Prior to the issue of a 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:**

64. The works (other than maintenance works) prescribed in the approved Vegetation Management Plan must be completed prior to issue of the relevant Subdivision Certificate. A report from the consultant who prepared the Vegetation Management Plan or other suitably qualified consultant being submitted to Council with the Subdivision Certificate application to the effect that the initial works have been completed in accordance with the approved Vegetation Management Plan.

**Restriction on Title:**

65. A restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of the applicable lot, to the effect that:
- (1) The registered proprietor of the land must enter into positive covenants with Council to maintain the works as effected on each lot in accordance with the Vegetation Management Plan as it affects that lot. The positive covenants shall be in, or to the effect of covenants approved by Council from time to time and be created pursuant to Section 88E of the Conveyancing Act 1919, generally in accordance with the attached draft covenant "A" and must be registered on the title to each lot. Registration must be effected in conjunction with the registration of the plan of subdivision;
  - (2) The registered proprietor of the land must enter into covenants to prohibit the ownership of cats within all lots of the subdivision. Council shall not be listed as benefiting from the covenant nor having responsibility for compliance, revoking, varying or modifying the covenant. Detail of the proposed restriction must be provided to Council with the application for subdivision certificate. Registration must be effected in conjunction with the registration of the plan of subdivision;
  - (3) A geotechnical assessment identifying necessary design measures to ensure the suitability of future structures is to accompany the relevant application for dwelling approval on each lot unless evidence from the Geotechnical consultant is produced to Council with the relevant Subdivision Certificate application to the effect that lot specific geotechnical assessment(s) is/are not required;
  - (4) Drainage lines installed in the development being maintained by the benefiting property owners.

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.**

**Fill - Certification:**

66. 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.

**Bushfire Safety Authority Works – Certification:**

67. Certification confirming that the bushfire safety works, required by Conditions 68 to 75 above, have been completed shall be provided to Council prior to the issue of a Subdivision Certificate.

**GENERAL TERMS OF APPROVAL**

***Bushfire Safety Authority  
Rural Fires Act 1997 – NSW Rural Fire Service***

**Asset Protection Zones:**

68. At the issue of subdivision certificate and in perpetuity all proposed residential lots shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
69. A 10 metre asset protection zone (APZ) is to be provided on any residual lot that is; created from the staging of the proposed subdivision, and where the residual lot is directly adjacent to residential lots created in the completed stage.
70. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on these residual lots requiring the provision of the 10 metre APZ measured from the interface with the adjoining residential lots. The APZ shall be maintained 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'. This restriction can be extinguished upon commencement of any future proposed residential development on the adjacent residual lot, but only if the hazard is removed as part of the proposal.
71. A Vegetation Management Plan (VMP) is required to be provided to the Coffs Harbour City Council, prior to any subdivision works commencing, that identifies the mechanisms and responsibilities for the management of the asset protection zones (APZs) identified on the following plan;

*The drawing prepared by RPS titled "North Bonville Ultimate Plan of Subdivision", noted as Plan Ref. 135949-14 and dated February 2018.*

Asset protection zones are to be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

72. The 20 metre restricted planting zones, located on both sides of the single access road, where it crosses the creeks riparian areas shall managed as per the undated landscape plan prepared by Jackie Amos, titled "1714-03 Landscape Masterplan – Issue F".

**Water and Utilities:**

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

**Access:**

74. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that a single connecting road to the north is permitted.
75. Temporary vehicular turning heads, created by the staging of the subdivision, shall have a restriction to the land use created over the residual land upon which they exist. The restriction is to be pursuant to section 88B of the 'Conveyancing Act 1919'. A temporary turning head may be removed and the restriction extinguished if the residual land, upon which the temporary turning head exists, is developed and the road continues.

***Controlled Activities Approval  
Water Management Act 2000 – Natural Resources Access Regulator***

**Design works and structures:**

76. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person.
77. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.

**Erosion and sediment controls:**

78. The following plan(s): - Erosion and Sediment Controls Plan must be:
  - (a) prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time; and
  - (b) submitted with an application for a controlled activity approval.
79. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

**Plans, standards and guidelines:**

80. The application for a controlled activity approval must include the following document(s):  
- Works Schedule; structural design and specifications; Erosion and Sediment Control Plan.
81. A. The application for a controlled activity approval must include the following plan(s): - Instream works; Vegetation Management and Wetland Rehabilitation Plan; Stormwater Management Design Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website - Guideline for instream works on waterfront land; Guidelines for riparian corridors on waterfront land; Guidelines for vegetation management plans on waterfront land.
82. All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
83. Any proposed controlled activity must be carried out in accordance with plans

**Reporting requirements:**

84. When required: A. a suitably qualified person must provide a certificate of completion for any controlled activity carried out under a controlled activity approval, and B. the certificate must be sent to Natural Resources Access Regulator.

**ADVISORY NOTES**

**No Development Lot 700.**

85. Lot 700 contains environmentally sensitive land and no development will be approved on this land.

**Public Road Reserves:**

86. 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.

**Works in Kind:**

87. Council's written approval is required prior to the issue of a Construction Certificate for any Works in Kind or other works detailed in Council's Section 7.11 (Environmental Planning and Assessment Act 1979) Developer Contribution Plans and Section 64 (Local Government Act 1993) Developer Servicing Plans that are proposed to be undertaken as part of this development by a party entitled to act on the development consent.

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

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

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