

ATTACHMENT A: CONDITIONS

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

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| 1 | Approved Plans and Supporting Documentation | | | | |
| | Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. | | | | |
| | Approved Plans | | | | |
| | Plan number | Revision number | Plan Title | Drawn by | Date of plan |
| | DA02 | E | General Arrangement | de Groot and Benson | 24/6/25 |
| | DA03 | E | Subdivision Plan | de Groot and Benson | 24/6/25 |
| | DA04 | E | Road Hierarchy Plan | de Groot and Benson | 24/6/25 |
| | DA05 | C | Staging Plan | de Groot and Benson | 24/6/25 |
| | DA06 | E | Typical Road Cross Sections – Sheet 1 | de Groot and Benson | 24/6/25 |
| | DA07 | E | Typical Road Cross Sections – Sheet 2 | de Groot and Benson | 24/6/25 |
| | DA08 | E | Roadworks Concept Plan | de Groot and Benson | 24/6/25 |
| | DA09 | E | Stormwater Concept Plan | de Groot and Benson | 24/6/25 |

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| | DA10 | E | Detention Basin Concept Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA12 | E | Sewerage Reticulation Concept Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA13 | E | Water Reticulation Concept Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA14 | E | Combined Concept Services Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA15 | E | Preliminary Earthworks Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA18 | C | Import Fill Stockpile Concept | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA21 | B | Concept Retaining Wall Plan | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | DA33 | B | Indicative Estate Signage | de Groot and Benson | 24/6/25 | | | | | | | | | |
| | <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p> | | | | | | | | | | | | | |
| 2 | Compliance with other Department, Authority or Service Requirements | | | | | | | | | | | | | |
| | Development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following: | | | | | | | | | | | | | |
| | <table><tr><td>Other Department, Authority or Service</td><td>NSW Planning Portal Reference</td><td>Dated</td></tr><tr><td>NSW Rural Fire Service</td><td>DA20240701002668-S38-1</td><td>6/1/25</td></tr><tr><td>Heritage NSW</td><td>DOC24/953426</td><td>20/11/24</td></tr></table> | | | | | Other Department, Authority or Service | NSW Planning Portal Reference | Dated | NSW Rural Fire Service | DA20240701002668-S38-1 | 6/1/25 | Heritage NSW | DOC24/953426 | 20/11/24 |
| Other Department, Authority or Service | NSW Planning Portal Reference | Dated | | | | | | | | | | | | |
| NSW Rural Fire Service | DA20240701002668-S38-1 | 6/1/25 | | | | | | | | | | | | |
| Heritage NSW | DOC24/953426 | 20/11/24 | | | | | | | | | | | | |

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| | Note: For a copy of the above referenced document/s, please refer to the NSW Planning Portal. |
| | Condition reason: To ensure compliance with external agency recommendations and requirements. |
| 3 | Staging of Development |
| | This development consent acknowledges that the construction of the project will be staged generally as shown on the approved plan titled 'Staging Plan' Amendment C, Drawing No. DA05, prepared by de Groot and Benson, dated 24/6/25. Note: The staging of the subdivision may vary. |
| | Condition reason: To allow the development to be completed and certified in stages during works. |

Subdivision Work

Before issue of a subdivision works certificate

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| 4 | Subdivision Works Certificate |
| | <p>No civil works are to commence on site until a Subdivision Works Certificate has been issued for the work and the Certifier has been notified that a Principal Certifier has been appointed.</p> <p>Note: Subdivision Works Certificates are required to be applied for through the NSW Planning Portal and may be subject to separate fees and charges.</p> |
| | Condition reason: To ensure all civil works to be undertaken are compliant with the legislation. |
| 5 | Vegetation Management Plan (Subdivision) |
| | <p>Before issue of a Subdivision Works Certificate, and prior to commencement of any works on the site, 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 being submitted and approved by Council.</p> <p>The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and</p> |

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| | <p>who is eligible for membership to the Australian Association of Bush Regenerators (AABR).</p> <p>The VMP is to be informed by the Arboriculture Impact Assessment, the Biodiversity Development Assessment Report prepared by Biodiversity Australia and dated 19 May 2025, and the draft VMP prepared by Biodiversity Australia and dated December 2024. Fencing to prevent unauthorised access to public reserves must also be included.</p> |
| | <p>Condition reason: To eliminate or mitigate environmental impacts.</p> |
| 6 | <p>Fauna Protection Plan (Subdivision)</p> <p>Before issue of a Subdivision Works Certificate, and prior to commencement of any works on the site, a detailed Fauna Management Plan being submitted and approved by Council. The Fauna Management Plan, at a minimum, is to detail the following:</p> <ol style="list-style-type: none"> 1. Pre-Clearing procedures relevant for potential species occupying the site, and 2. Details of the number, size and location of all hollows on the site, and 3. A plan for the replacement of any hollows required to be removed with an emphasis on salvage and reinstallation of natural hollows with any artificial hollows used replaced as per the rates described in Chapter E1.2 of the Coffs Harbour Development Control Plan, and any maintenance requirements for artificial or relocated hollows inducing costing. |
| | <p>Condition reason: To eliminate or mitigate environmental impacts.</p> |
| 7 | <p>Ecosystem credit retirement – like for like</p> <p>Before the issue of a Subdivision Works Certificate:</p> <ol style="list-style-type: none"> a) The class and number of ecosystem credits in the table of ecosystem credits required be retired – like for like – non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development; and/or b) the class and number of ecosystem credits in the table of ecosystem credits required to be retired – like for like – threatened ecological community must be retired to offset the residual biodiversity impacts of the development. |

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| | c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council. Table of ecosystem credits required to be retired – like for like- non-threatened ecological community | | | | |
| | Impact plant community type | Number of ecosystem credits | Hollow bearing trees (HBTs) | IBRA subregions from which credits can be used to offset the impacts from development | Trading group that can be used to offset the impacts from development |
| | 3250-Northern Foothills Blackbutt Grassy Forest | 85 | 0 | Coffs Coast and Escarpment, Armidale Plateau, Chaelundi, Clarence Sandstones, Dalmorton, Ebor Basalts, Macleay Gorges, Macleay Hastings and Yuraygir. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site. | Northern Hinterland Wet Sclerophyll Forests <50% |
| | 4006-Northern Paperbark Swamp Mahogany Saw-sedge Forest | 10 | 0 | Coffs Coast and Escarpment, Armidale Plateau, Chaelundi, Clarence Sandstones, Dalmorton, Ebor Basalts, Macleay Gorges, Macleay Hastings and Yuraygir. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site. | Coastal Swamp Forests <50% |
| | Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of species credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur. | | | | |
| 8 | Street Tree Planting (Plan) | | | | |
| | A detailed landscape plan complying with Council's Street Master Plan shall be submitted to the Principal Certifying Authority before the issue of a Subdivision Works Certificate. | | | | |

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| | The landscape plan to align with the Biodiversity Development Assessment Report prepared by Biodiversity Australia and dated 19 May 2025, and the draft VMP prepared by Biodiversity Australia and dated December 2024. |
| | Condition reason: To ensure compliance with the DCP and Council's Street Tree Masterplan |
| 9 | External lighting |
| | Prior to the issue of the relevant Subdivision Works Certificate, plans must be submitted to the principal certifying authority showing lighting designed to direct light onto the roads and not adjacent reserves and in line with the National Light Pollution Guidelines for Wildlife. |
| | Condition reason: To reduce impact to fauna. |
| 10 | Fill Pad Level (Flood management) |
| | The level of the fill pads for Lots 1 to 7 is to be at a minimum of 12.92m AHD (as indicated in the Detention basin Concept Plan Drawing No DA10 amendment E dated 22/4/25. Details of the earthworks and pad levels should be clearly indicated on the plans and must be submitted and approved by the City prior to the issue of a subdivision works certificate. |
| | Condition reason: To minimise the risk to life and property in the event of a flood. |
| 11 | Civil Engineering Plans prior to issue of a Subdivision Works Certificate |
| | <p>Civil engineering plans are to be prepared by a suitably qualified and practicing engineer in accordance with the approved plans, relevant policies and the City's Technical Specification for Infrastructure Design and Construction specifications.</p> <p>Plans must detail the following proposed works:</p> <ol style="list-style-type: none"> 1. Drainage, 2. Stormwater quality and quantity management (incorporating appropriate signage, safety barriers, etc in areas near the bio-retention basin to minimise risk to children); 3. Roads |

- a. Intersection and road design within the development site shall incorporate concepts from 'Austroads Guide to Traffic Management Part 8: Local Street Management' to achieve a compliant speed environment for the proposed road network and in accordance with Councils Design Guidelines;

4. Laneways

- a. Bollards - required at both ends of the footpath (where there is no vehicular access)

5. Indicative driveway locations

- a. Where driveway locations are restricted, they are to be constructed with the subdivision works

6. Paths

- a. Shared Path On-verge = 2.5m width
- b. Shared Path Off-road = 3.0m width & 4.0m where also required for access to the Bio Basin
- c. Footpaths = 1.5m width
- d. The shared path is to link to the Wiigulga Sports Complex via a "wombat" style pedestrian crossing. The location to be confirmed with the asset owner.

7. Street Trees

8. Earthworks,

9. Line Marking & Signage

- a. Regulatory Signage is required to be submitted for Council approval through the Local Traffic Committee prior to the release of a Subdivision Works Certificate that requires their inclusion.

10. Preliminary design for the roundabout on the intersection of Bark Hut Road and Road 2 prior to the release of the Subdivision Works Certificate for the relevant stage.

Detailed design drawings and supporting documentation are to be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate.

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| | <p>Any civil works listed above must be assessed by a suitably qualified Civil Engineer and a design compliance report issued to the certifier to be relied upon for the subsequent Subdivision Works Certificate.</p> <p>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.</p> <p>All work is to be at the developer's cost unless identified in Council's Contributions Plan.</p> <p>Note 1: A separate application must be lodged, and consent obtained from Council under Section 138 of the Roads Act 1993 (NSW) (Which can be obtained through a combined Subdivision Works Certificate) for any work being conducted within the road reserve.</p> <p>Note 2: A separate application must be lodged, and consent obtained from Council under Section 68 of the Local Government Act 1993 (NSW) (Which can be obtained through a combined Subdivision Works Certificate) for connection of any water, sewer, or stormwater infrastructure to Council's System.</p> <p>Condition reason: To ensure adequate civil infrastructure is provided as part of the proposed development in accordance with relevant standards and best practice.</p> |
| 12 | <p>Works to be approved by the Roads and Water Authority</p> <p>Prior to the issue of a Subdivision Works Certificate, an approval is required under Section 68 of the Local Government Act and Section 138 of the Roads Act (Which is obtained through a combined Subdivision Works Certificate) must be obtained from Council for any of the following works:</p> <ol style="list-style-type: none"> 1. Roadworks within Council Road Reserves: <ol style="list-style-type: none"> a. Road 1 and associated roundabout on the intersection of Road 1 and Road 2. b. Planting details for batters over 1V:4H are to be detailed. c. Reconstruction of Bark Hut Road along the property frontage to facilitate a 9m wide collector road with kerb and gutter and associated drainage prior to the release of the Subdivision Works Certificate for the relevant stage. |

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| | <ul style="list-style-type: none"> d. Footpath on Bark Hut Road. e. Shared path and footpaths on Road 1. f. Any works on Tramway Drive including the intersection with Bark Hut Road to facilitate the Bark Hut Road construction prior to the release of the Subdivision Works Certificate for the relevant stage. g. Prior to the release of the Subdivision Works Certificate for the relevant stage, preliminary design for the roundabout on the intersection of Bark Hut Road and Road 2. These designs must include at the least: <ul style="list-style-type: none"> i. A diagram showing compliance with Austroads Part 4B Roundabouts Sight Distance Criteria for all legs of the roundabout other than those within the Tramway Precinct. ii. A concept layout that show how the proposed stormwater drainage pits and pipes will be impacted with the construction of the roundabout. h. Intersection of Bark Hut Road and Road 2 prior to the release of the Subdivision Works Certificate for the relevant stage. i. Indicative driveway locations <ul style="list-style-type: none"> i. Where driveway locations are restricted, they are to be constructed with the subdivision works j. The existing 375 diameter trunk water main along the verge on Solitary Island Way is to be relocated & lowered as required by the roadworks. k. Street Trees in accordance with the Woolgoolga North West Masterplan <p>2. The existing property access points (eg. fence gates) from Solitary Islands Way are to be removed and the verge to show no appearance of previous access.</p> <p>3. Line Marking & Signage</p> <ul style="list-style-type: none"> a. Regulatory Signage is required to be submitted for Council approval prior to the release of a Subdivision Works Certificate that requires their inclusion. <p>4. Connection of the 4m shared path through the reserve to the shared path network on the southern side of the access road to Wiigulga Sports Complex.</p> |
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| | <p>a. A “wombat” style pedestrian crossing is required to cross the access road.</p> <p>b. Located in a position agreed with the City’s Senior Traffic Officer.</p> <p>5. Connection into Council’s Infrastructure for water supply, sewerage and stormwater;</p> <p>6. Construction of all necessary stormwater infrastructure works within the road reserve;</p> <p>7. Construction of all necessary sewer infrastructure;</p> <p>8. Construction of all necessary water infrastructure;</p> <p>The following is to be clearly illustrated on the plans to accompany the application:</p> <p>1. Position and depth of relevant infrastructure</p> <p>2. Connection details</p> <p>Plans are to be prepared by a suitably qualified and practicing engineer in accordance with the approved plans, relevant policies and the City’s Technical Specification for Infrastructure Design and Construction Specifications, with all works at the developer’s cost.</p> <p>Condition reason: To ensure compliance with the Local Government Act, Roads Act and Water Management Act.</p> |
| 13 | <p>Fill:</p> <p>Contour plans indicating the location of proposed fill areas in the subdivision being submitted and approved by Council prior to issue of the Subdivision Works Certificate.</p> <p>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.</p> <p>Condition reason: To ensure cut and fill on site will not have an adverse impact on other properties</p> |
| 14 | Vehicle Turning Arrangement |

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| | <p>Details for the turning of vehicles at the end of each subdivision stage being provided to the satisfaction of Council prior to release of the Subdivision Works Certificate for that stage.</p> |
| | <p>Condition reason: To ensure turn around areas are constructed where required.</p> |
| 15 | <p>Retaining Walls</p> <p>Detailed design documentation and certification from a suitably qualified and experienced structural engineer must be submitted as part of the Subdivision Works Certificate application for any retaining walls approved by this Notice of Determination that meet any of the following criteria:</p> <ul style="list-style-type: none"> Retaining walls exceeding 600mm in height above existing ground level; <p>Design and Construction Requirements:</p> <ol style="list-style-type: none"> All retaining walls must be located entirely within private property unless approved in writing by Council. Where retaining walls are situated between two properties, the face of the retaining wall must be located at least 50mm within the higher side lot, where practicable. Retaining walls must be designed for a minimum service life of 50 years and be classified as structural classification B in accordance with AS 4678. Acceptable construction materials include natural cut stone, masonry, concrete, or galvanised structural steel. All works associated with the retaining walls — including backfill, drainage, and footings — must be wholly contained within the allotment boundary. Stormwater drainage must be provided behind all retaining walls to collect and divert upslope runoff to the road or inter-allotment drainage network. Where this is not feasible, stormwater must be managed in a way that avoids impact on buildings, does not increase flow to neighbouring land, and prevents erosion or sedimentation issues. <p>Condition reason: To ensure retaining walls are properly regulated</p> |
| 16 | <p>Construction Site Management Plan</p> |

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| | <p>Prior to requesting a pre-start meeting, a construction site management plan must be prepared, and provided to the Certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: <ul style="list-style-type: none"> • Proposed truck movements to and from the site; • Estimated frequency of truck movements; and • Measures to ensure pedestrian safety near the site; 1. Details of bulk earthworks to be carried out; 2. The location of site storage areas and sheds; 3. The equipment used to carry out works 4. The location of a garbage container with a tight-fitting lid; 5. Dust, noise and vibration control measures; 6. The location of temporary toilets; 7. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> • AS 4970 – Protection of trees on development sites; • An applicable Development Control Plan; • An arborist's report approved as part of this consent (where applicable) <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |
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Before subdivision work commences

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| 18 | <p>Arboriculture Impact Assessment</p> <p>An Arboriculture Impact Assessment (AIA) prepared in accordance with Australian Standard AS 4970-2009 'Protection of Trees on Development Sites' being submitted and approved by Council prior to the commencement of any works. The AIA is to be prepared by a minimum AQF Level 5 Consultant arborist.</p> <p>The AIA shall be prepared by a qualified Arborist and should identify all significant indigenous native trees, including all trees to be retained and removed in proximity to the work. The Plan should detail protection measures and show the Tree Protection Zones (TPZ) for retained trees and, where impacted, the Structural Root Zones (SRZ).</p> <p>The Assessment will include construction methods to minimise impacts on retained trees where there is encroachment into the TPZ and SRZ following detailed design of the approved layout.</p> <p>Condition reason: To eliminate or mitigate environmental impacts.</p> |
| 19 | <p>Erosion and sediment control plan</p> <p>Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier :</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (the current edition at the time of submission), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (the current edition at the time of submission). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p> |
| 20 | <p>Site Notice</p> <p>Before building work commences, 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:</p> |

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| | <ol style="list-style-type: none"> 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. <p>The sign is to be maintained until the building work has been completed and must be erected prior to commencement of work.</p> <p>Condition reason: To ensure site signage requirements under EP&A (Development Certification & Fires Safety) Regulation 2021 s75 are met.</p> |
| 21 | <p>Notice to be Given Before Commencement of Works</p> <p>The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the works commencing on the site and a 24-hour telephone number to be operated for the duration of the construction works.</p> <p>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.</p> <p>Condition reason: To ensure satisfaction of the notice requirements to council and PCA under EP&A Act s6.6 and s6.12.</p> |
| 22 | <p>Erosion and Sediment Control Plan Implementation</p> <p>Runoff and sediment erosion controls as designed in accordance with the approved plans and the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be installed prior to the commencement of any site works and incorporate:</p> <ol style="list-style-type: none"> 1. Diversion of uncontaminated up-site runoff around cleared and/or disturbed areas. |

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| | <p>2. Containment of the downslope perimeter of the cleared and/or disturbed area with a silt fence and/or other devices to prevent sediment and other debris escaping from the land.</p> <p>3. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated after completion of construction.</p> |
| | <p>Condition reason: To properly manage soil erosion, water pollution or the discharge of sediment onto surrounding land for the protection of the environment Pursuant to the Section 8 of the Local Government Act 1993.</p> |
| 23 | <p>Stormwater</p> <p>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 structures and adjoining properties.</p> <p>Condition reason: For the provision of public amenity and management of stormwater runoff in compliance with Local Government Act 1993.</p> |
| 24 | <p>Undertake Works on a Public Road</p> <p>Prior to the commencement of works within the road reserve an approval to Undertake Works on a Public Road is required to be obtained from Council's Transport Services Section in accordance with Section 138 of the Roads Act 1993.</p> <p>Condition reason: To ensure legislation is complied with</p> |
| 25 | <p>Haulage Route</p> <p>Prior to commencement of earthworks, including the importation of fill, a dilapidation survey of the haulage route is to be completed and submitted to Council. The scope of the dilapidation survey is to be confirmed with Council prior to commencement. Any damage that occurs along the haulage route as a result of the haulage shall be rectified by the developer at no cost to Council prior to issue of the subsequent Subdivision Certificate.</p> <p>Condition reason: To ensure protection of Council Assets during haulage activities</p> |

During subdivision work

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| 26 | <p>Protection of Trees on site</p> <p>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, or in line with the approved Tree Protection Plan / Arboriculture Impact Assessment. Any approved Tree Protection Plan / Arboriculture Impact Assessment must be kept onsite during construction and be made available to relevant contractors as required.</p> <p>Condition reason: To reduce environmental impacts.</p> |
| 27 | <p>Approved Plans to be on-site</p> <p>During Works, 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.</p> <p>Condition reason: To ensure development and works are consistent with the approved plans and consent.</p> |
| 28 | <p>Hours of Work</p> <p>Construction works are to be limited to the following hours:</p> <p>Monday to Friday 7.00 am - 6.00 pm</p> <p>Saturday 7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm</p> <p>No construction work is to take place on Sunday and Public Holidays.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p> |
| 29 | <p>Soil Management</p> <p>While site work is being carried out, the certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an |

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| | <p>approved waste management facility and the classification and the volume of material removed must be reported to the certifier.</p> <p>2. All fill material imported to the site must be:</p> <ul style="list-style-type: none"> • Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or • a material identified as being subject to a resource recovery exemption by the NSW EPA, or • a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants</p> |
| 30 | <p>Fill:</p> <p>All fill is to be placed with Level 1 Inspection and Testing in accordance with AS3798 and in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.</p> <p>Condition reason: To ensure fill is placed to an acceptable standard</p> |
| 31 | <p>Public Way to be Unobstructed:</p> <p>The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Transport Services Section.</p> <p>Condition reason: To ensure compliance with the Legislation.</p> |

Before issue of a subdivision certificate

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| 32 | <p>Vegetation Management Plan Report (Subdivision)</p> <p>The works (other than maintenance works) prescribed in the approved Vegetation Management Plan (VMP) being completed before issue of a Subdivision Certificate. A report from the consultant who prepared the VMP or other suitably qualified consultant being submitted to the Principal Certifier with the Subdivision Certificate</p> |
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| | <p>application to the effect that all works except for maintenance works have been completed in accordance with the approved VMP.</p> <p>Condition reason: To reduce environmental impacts.</p> |
| 33 | <p>Fauna Management Plan Report (Subdivision)</p> <p>The works (other than maintenance works) prescribed in the approved Fauna Management Plan being completed before issue of a Subdivision Certificate. A report from the consultant who prepared the plan or other suitably qualified consultant being submitted to the Principal Certifier with the Subdivision Certificate application to the effect that the initial works have been completed in accordance with the approved Fauna Management Plan.</p> <p>Condition reason: To reduce environmental impacts.</p> |
| 34 | <p>Vegetation Management Plan Bond</p> <p>A bond must be lodged with Council before issue of a Subdivision Certificate for 150% of the value of any works described in the approved Vegetation Management Plan (VMP) not yet completed, or an agreement may be reached with Council for the completion of work by Council.</p> <p>Any bond will be retained by Council until the maintenance period of the VMP has concluded. At the end of the maintenance period Council will undertake any works not completed with the cost of this work, inclusive of CPI, taken from the bond.</p> <p>Condition reason: To reduce environmental impacts.</p> |
| 35 | <p>Neighbouring horticulture activities</p> <p>Prior to the issue of the relevant subdivision certificate, all horticultural activities on Lot 1 DP 808207 must cease including the demolition of associated structures as recommended by the Land Use Conflict Risk Assessment, prepared by Geolink, dated 7/8/2023.</p> <p>Condition reason: To limit land use conflict</p> |
| 36 | <p>Wildlife signage</p> |

| | <p>Prior to issue of the relevant Subdivision Certificate, wildlife signage with the phone number for the Wildlife Injury Rescue and Education Service (WIRES) is to be installed at 2 locations as agreed with Coffs Harbour City Council.</p> <p>Condition reason: To reduce impact to fauna.</p> | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------------|---|--|-------------------|-------------------|-------------------|----------------------------------|--------|--|-----------|----------------------------|--------|---------------------------------|-----------|-----------------------|--------|--------------------------------|-----------|---------------------|----------|-------------------------------|-----------|-----------------------------|----------|--|-----------|
| 37 | <p>External lighting</p> <p>Prior to the issue of the relevant Subdivision Certificate, external lighting as required by this consent is to be installed.</p> <p>Condition reason: To reduce impact to fauna.</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| 38 | <p>S7.11 Contributions Payable (Subdivision)</p> <p>Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <p>Note 1 - The contributions are to be paid before issue of a Subdivision Certificate unless other arrangements acceptable to Council are made.</p> <p>Note 2 - The rates will be adjusted in accordance with the procedures set out in Council’s Section 7.11 Contributions Plans. The developer is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.</p> <p>Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.</p> <table><tr><th></th><th>\$ Per Lot</th><th>Contribution Plan</th><th>Indexation Method</th></tr><tr><td>Co-ordination and Administration</td><td>236.95</td><td>Coffs Harbour Administration Levy 2024</td><td>RBI 148.7</td></tr><tr><td>Coffs Harbour Road Network</td><td>700.93</td><td>Coffs Harbour Road Network 2024</td><td>RBI 148.7</td></tr><tr><td>Surf Rescue Equipment</td><td>199.68</td><td>Coffs Harbour Surf Rescue 2024</td><td>RBI 148.7</td></tr><tr><td>District Open Space</td><td>5,219.94</td><td>Coffs Harbour Open Space 2024</td><td>RBI 148.7</td></tr><tr><td>Traffic & Transport - Roads</td><td>9,396.52</td><td>Woolgoolga North West – Bark Hut Precinct 2023</td><td>RBI 148.7</td></tr></table> | | \$ Per Lot | Contribution Plan | Indexation Method | Co-ordination and Administration | 236.95 | Coffs Harbour Administration Levy 2024 | RBI 148.7 | Coffs Harbour Road Network | 700.93 | Coffs Harbour Road Network 2024 | RBI 148.7 | Surf Rescue Equipment | 199.68 | Coffs Harbour Surf Rescue 2024 | RBI 148.7 | District Open Space | 5,219.94 | Coffs Harbour Open Space 2024 | RBI 148.7 | Traffic & Transport - Roads | 9,396.52 | Woolgoolga North West – Bark Hut Precinct 2023 | RBI 148.7 |
| | \$ Per Lot | Contribution Plan | Indexation Method | | | | | | | | | | | | | | | | | | | | | | |
| Co-ordination and Administration | 236.95 | Coffs Harbour Administration Levy 2024 | RBI 148.7 | | | | | | | | | | | | | | | | | | | | | | |
| Coffs Harbour Road Network | 700.93 | Coffs Harbour Road Network 2024 | RBI 148.7 | | | | | | | | | | | | | | | | | | | | | | |
| Surf Rescue Equipment | 199.68 | Coffs Harbour Surf Rescue 2024 | RBI 148.7 | | | | | | | | | | | | | | | | | | | | | | |
| District Open Space | 5,219.94 | Coffs Harbour Open Space 2024 | RBI 148.7 | | | | | | | | | | | | | | | | | | | | | | |
| Traffic & Transport - Roads | 9,396.52 | Woolgoolga North West – Bark Hut Precinct 2023 | RBI 148.7 | | | | | | | | | | | | | | | | | | | | | | |

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| | Traffic & Transport - Roads Recoupment | 5,570.41 | Woolgoolga North West – Bark Hut Precinct 2023 | RBI 148.7 |
| | Traffic & Transport - Cycleways | 1,533.78 | Woolgoolga North West – Bark Hut Precinct 2023 | RBI 148.7 |
| | Woolgoolga Town Centre Works | 1,102.52 | Woolgoolga North West – Bark Hut Precinct 2023 | RBI 148.7 |
| <p>The Section 7.11 contribution is currently \$2,620,000 for the 132 residential lot subdivision development. This includes an existing use credit of \$20,000</p> <p>The Contribution Plans may be inspected on Council’s web site, www.coffsharbour.nsw.gov.au.</p> | | | | |
| <p>Condition reason: To ensure contributions are paid to address demand for public facilities, amenities, and services in the City of Coffs Harbour by a growing population.</p> | | | | |
| 39 | Water Management Act Certificate of Compliance (Subdivision) | | | |
| | <p>Before issue of a Subdivision Certificate a Certificate of Compliance pursuant to the Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be applied for through Council.</p> <p>When you apply for a Certificate of Compliance, your application must be accompanied by:</p> <ol style="list-style-type: none">1. Evidence that,<ol style="list-style-type: none">a) stormwater, water supply, sewerage, drainage and interallotment drainage has been supplied to the development; orb) arrangements satisfactory to Council have been made for the provision of all such services; and2. Payment (preferably by way of bank cheque) of Council’s developer contributions applicable at the time of the application for the Certificate of Compliance. <p>For your information the developer contributions applicable at the date of the development consent are:</p> | | | |

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| | The current contribution rate is: | | |
| | | Amount/Lot | Total |
| | | \$ | \$ |
| | Works to satisfy increased demand within the area for 132 lot(s) of residential subdivision. | | |
| | Water – 1 lot (< 450 sqm) | 11,904.24 | 11,904.24 |
| | Water – 131 lots (> 450 sqm) | 14,880.30 | 1,949,319.11 |
| | Less existing use credit | | (14,880.30) |
| | TOTAL AMOUNT PAYABLE – WATER | | 1,946,343.06 |
| | Sewer – 132 lots | 12,500.24 | 1,650,031.72 |
| | Less existing use credit | | (12,500.24) |
| | TOTAL AMOUNT PAYABLE - SEWER | | 1,637,531.48 |
| 40 | <p>The rates will be adjusted in accordance with the Consumer Price Index for Sydney (All Groups). The developer is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.</p> <p>Prior to making your application for the Certificate of Compliance, you should ascertain the level of developer contributions payable from Council's Developer Contributions Coordinator, telephone (02) 6648 4285.</p> <p>If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.</p> <p>Condition reason: To ensure contributions are paid to address demand for water supply and wastewater infrastructure in the City of Coffs Harbour by a growing population.</p> | | |
| | Restriction on Title | | |

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| | <p>Before issue of a Subdivision Certificate, a restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of lots 1-7 and 9-12 as shown on the approved plans, to the effect that:</p> <p><i>No vehicular access permitted onto the adjacent drainage reserve and public reserve from these lots without prior written consent from the City.</i></p> <p>The person named empowered to release, vary or modify the Terms of Restriction being the City (Coffs Harbour City Council).</p> |
| | <p>Condition reason: To enable the creation and release of affecting interests upon registration of the plan.</p> |
| 41 | <p>Dedication of Public and Drainage Reserves to Council</p> |
| | <p>The proponent must make necessary arrangements for the dedication to the City at no cost to the City of Lots 501 and 502 as shown on the approved plans at the time of registration of the Subdivision Certificate.</p> <p>Prior to the issue of a Subdivision Certificate for the relevant stage of the subdivision, a deed of agreement must be prepared with the City to allow the proponent to carry out management and maintenance works on the open space area.</p> <p>All necessary rehabilitation work must be undertaken to the satisfaction of Council prior to management passing to Council.</p> <p>All costs are to be borne by the proponent.</p> |
| | <p>Condition reason: To ensure the land is dedicated to the City</p> |
| 42 | <p>Section 88B Instrument</p> |
| | <p>The developer must prepare a Section 88B Instrument which incorporates the following easements, positive covenants and restrictions to user where necessary:</p> <ol style="list-style-type: none"> 1. easement to drain water 1.5m wide over interallotment drainage; <ol style="list-style-type: none"> a. Drainage lines installed in the development being maintained by the benefiting property owners; 2. easements for sewer 3m wide over the Council Sewer Mains in favour of Council where the sewer main is not located along the property frontage. |

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| | <p>The section 88B instrument shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.</p> <p>Details of the Restriction(s) are to accompany the application for the relevant Subdivision Certificate.</p> |
| | <p>Condition reason: To enable the creation and release of affecting interests upon registration of the plan</p> |
| 43 | <p>Vehicle Access Restriction:</p> |
| | <p>Vehicle access to lots 30-35 and 71-72 from Bark Hut Road being prohibited. A restriction as to user which requires Council's consent to any variation or removal is to be imposed on the title of these lots and clearly shown by notation on the Subdivision Certificate.</p> |
| | <p>Condition reason: To ensure safe vehicular access for all properties.</p> |
| 44 | <p>Dedication of Internal Roads:</p> |
| | <p>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.</p> |
| | <p>Condition reason: To ensure suitable infrastructure is in place for vehicular access.</p> |
| 45 | <p>Street Tree Planting:</p> |
| | <p>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.</p> <p>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</p> |

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| | <p>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.</p> <p>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 2024 is \$1,100 per tree and is subject to indexation at the CP/Sydney Index rate.</p> <p>Condition reason: To ensure street trees are provided as part of the proposed development in accordance with relevant standards and best practice.</p> |
| 46 | <p>Notice of Completion for Civil Works</p> <p>Prior to the issue of each Subdivision Certificate, a Notice of Completion is required to be obtained from the relevant Principal Certifier for the works approved under Civil Engineering Plans prior to the issue of a Subdivision Works Certificate and Works to approved by the Roads and Water Authority to the effect that they have been satisfactorily completed for that subdivision certificate.</p> <p>Where Council Assets have been modified, or are to be dedicated to Council, the Notice of completion is to be issued by the relevant Roads or Water authority.</p> <p>Condition reason: To ensure Civil Works associated with the development have been constructed to the requirements of the asset owner.</p> |
| 47 | <p>Maintenance Bond</p> <p>Prior to the issue of the relevant Subdivision Certificate, Council will require the lodgement of a maintenance bond.</p> <p>The requirements of the Maintenance Bond and associated release are to be in accordance with Section 1.8.4 of The City's Technical Specification for Infrastructure Design.</p> <p>All work to be dedicated to Council is subject to a maintenance period of twelve (12) months, or as indicated in the relevant Notice of Completion from the date of issue of the Occupation Certificate/Subdivision Certificate, unless otherwise stated in a condition of consent.</p> <p>Condition reason: To ensure adequate civil infrastructure is provided as part of the proposed development in accordance with relevant standards and best practice.</p> |

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| 48 | Vehicle Turning Arrangement |
| | Arrangement for the turning of vehicles at the end of each subdivision stage being provided to the satisfaction of Council prior to release of the Subdivision Certificate for that stage. |
| | Condition reason: To ensure lots can be appropriately serviced. |
| 49 | Surveyor Certification |
| | Prior to the issue of each 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. |
| | Condition reason: To ensure accuracy of registered easements. |
| 50 | Structural Certification |
| | Structural Certification from a suitably qualified and experienced Structural Engineer shall be submitted for any retaining structures prior to release of the relevant Subdivision Certificate. Permanent fencing is to be installed on any retaining structure where the structure is greater than 1m in height. |
| | Condition reason: To ensure retaining walls are properly regulated |
| 51 | Contour Plan & Fill - Certification |
| | Prior to the release of the relevant Subdivision Certificate, a fill report along with a final contour plan including pre and post contours is to be submitted to Council showing the location, depth, and type of fill located on the site. Where no cut or fill has been placed on the site, a written statement to that effect is to be submitted to Council. Where fill has been placed, the fill report must include certification by a practicing Geotechnical Engineer that all lot fill has been inspected and tested to Level 1 Inspection and Testing requirements of AS 3798, and that the minimum compaction has been achieved in accordance with AS3798. |
| | Condition reason: To ensure earthworks are properly regulated |
| 52 | Trunk Sewer Network |

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| | <p>The new trunk sewer main from the site is to be completed and commissioned to the Water Authorities satisfaction prior to the release of the Subdivision Certificate for the 42nd lot in the subdivision.</p> |
| | <p>Condition reason: To ensure lots are appropriately serviced.</p> |
| 53 | <p>Services</p> |
| | <p>All lots in the Subdivision being provided with underground reticulated electricity and telephone cables. The developer 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. These letters are to be provided to Council prior to release the relevant Subdivision Certificate.</p> <p>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.</p> |
| | <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before subdivision.</p> |
| 54 | <p>Water Services and Sewer Junction:</p> |
| | <p>A water service and sewer junction being provided (or being available) within each lot prior to issue of Subdivision Certificate, with the works conforming to the requirements of Coffs Water.</p> |
| | <p>Condition reason: To ensure services are provided to resultant lots</p> |
| 55 | <p>Stormwater Asset Bond:</p> |
| | <p>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.</p> <p>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.</p> <p>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</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure the WSUD basin is converted at the appropriate time in accordance with standard practice.</p> |
| 56 | <p>Preservation of survey marks</p> <p>Before the issue of a Subdivision Certificate, documentation must be submitted by a registered surveyor to the Principal Certifier, which demonstrates that:</p> <ol style="list-style-type: none"> 1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or 2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. <p>Condition reason: To protect the State's survey infrastructure.</p> |
| 57 | <p>Repair of infrastructure</p> <p>Before the issue of the relevant Subdivision Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent must be fully repaired to the written satisfaction of Council, and at no cost to Council; or |

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| | 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. |
| | Condition reason: To ensure any damage to public infrastructure is rectified. |
| 58 | Subdivision Certificate |
| | Prior to the registration of a subdivision plan with NSW Land Registry Services, a Subdivision Certificate shall be obtained from Council for each stage under Part 6 of the Environmental Planning and Assessment Act 1979. |
| | Condition reason: To comply with the provisions of the Environmental Planning & Assessment Act 1979. |

Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that

document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means COFFS HARBOUR CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision work certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Northern Regional Planning Panel.