

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in the attached Schedule 2 and the proponent's Statement of Commitments in the attached Schedule 3.

These conditions are required to:

- Adequately mitigate the environmental impact of the project;
- Protect environmentally significant land, riparian zones and habitat areas and corridors;
- Protect areas of Aboriginal heritage and cultural significance;
- Encourage good subdivision design;
- Provide for the construction of a local collector road for the Moonee Release area prior to the release of any allotments for the estate; and
- To ensure adequate future public services and amenities to the residents of Coffs Harbour.



Minister Keneally

SYDNEY, 15 March 2009

SCHEDULE 1

PART A—TABLE

Application made by:	Rothwell Boys Pty Limited
Application made to:	Minister for Planning
Project Application:	06_0143
On land comprising:	Lots 1 and 2 DP, Pacific Highway, Moonee Beach
Local Government Area	Coffs Harbour
For the carrying out of:	A residential subdivision of land into 524 lots, site earthworks (cut and fill), the provision of roads and associated infrastructure, open space, recreation facilities and playing fields, and a pedestrian/ cycleway network
Type of development:	Project Application
Determination made on:	5 March 2009
Date approval is liable to lapse:	Five (5) years from the date of determination unless works have physically commenced in accordance with section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0143

a) Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

b) Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

c) Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

d) Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved project but do not form a part of this approval.

ASS means Acid Sulfate Soils

Certifying Authority has the same meaning as set out in Part 4A of the Act.

Council means Coffs Harbour City Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department, or delegate.

DECC means the Department of Environment and Climate Change or its successors.

DPI means the Department of Primary Industries or its successors.

DWE means the Department of Water and Energy or its successors.

Environmental Assessment means the Environmental Assessment prepared by Environmental Resources Management Australia (ERM), dated November 2007.

Minister means the Minister for Planning.

Principal Certifying Authority has the same meaning as set out in Part 4A of the Act.

Preferred Project Report means the Preferred Project Report prepared by Environmental Resources Management Pty Limited (ERM) dated September 2008.

Proponent means Rothwell Boys Pty Ltd or any party acting upon this approval.

Reasonable and feasible means consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. **Feasible** relates to engineering consideration and what is practical to build. **Reasonable** relates to the application of judgement in arriving at a decision taking into account: mitigation benefits, cost of mitigation versus benefits provided.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

RTA means the NSW Roads and Traffic Authority

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0143

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- 1) Construction of a staged residential subdivision to create a total of 524 lots within eleven (11) stages;
- 2) Construction of an internal network of roads, pedestrian paths and cycle ways;
- 3) Provision of approximately 45 hectares of open space / habitat conservation areas, including construction of two formal recreation nodes providing a range of facilities including barbeques, picnic shelters, informal playing fields, children's playgrounds and associated car parking;
- 4) Bulk earthworks (cut and fill);
- 5) Construction of associated infrastructure including water supply mains, sewerage mains, stormwater drainage structures, water quality and detention structures;
- 6) Construction of associated Asset Protection Zones;
- 7) Construction of noise attenuation measures, adjacent to the Pacific Highway;
- 8) Construction of the main pedestrian / cycleway linking the site to the south along the collector road;
- 9) Provision of fencing to riparian, environmental buffer zones and corridors,
- 10) Associated landscaping, street planting and rehabilitation / strengthening of existing native vegetation areas to be retained, and
- 11) Construction of temporary construction access to the Pacific Highway.

Notes:

- i) Release of construction certificates requires finalisation of arrangements for the construction of the northern collector at Moonee Beach including agreements being signed by respective landowners of neighbouring lots to the south of the site. Refer to condition **B1**.
- ii) Release of subdivision certificates requires the construction and completion of the northern collector road at Moonee Beach and the removal of temporary construction access to the Pacific Highway. Refer to conditions **B1, B2 & E3**.
- iii) Release of subdivision certificates for lots beyond the 149th lot is subject to either the completion of the planned Moonee Beach interchange (as set out in the RTA highway upgrade project) or a traffic study being undertaken for the intersection and implementation of any required improvements as approved by the RTA. Refer to conditions **E3** and **E4**.

A2 Staging

The project is to be constructed in eleven (11) stages, generally as follows:

- 1) Stage 1
 - i) 62 residential lots
 - ii) 1 lot for a potential corner store.
 - iii) Construction of noise mitigation measures for road traffic noise.
 - iv) Construction of temporary access to the Pacific Highway, for construction purposes, (only for construction of the subdivision development and northern collector road).
 - v) Site earthworks (cut and fill).
- 2) Stage 2
 - i) 40 residential lots
 - ii) Construction of Recreation Node No.1.
- 3) Stage 3
 - i) 47 residential lots
 - ii) Dedication to Council of Phase 1 Open Space, 19ha.
- 4) Stage 4
 - i) 47 residential lots
- 5) Stage 5
 - i) 51 residential lots
- 6) Stage 6
 - i) 61 residential lots
 - ii) Construction of Recreation Node No.2.
- 7) Stage 7
 - i) 48 residential lots
 - ii) Dedication to Council of Phase 2 Open Space, 18ha.
- 8) Stage 8
 - i) 48 residential lots
- 9) Stage 9
 - i) 50 residential lots
 - ii) Dedication to Council of Phase 3 Open Space, 8ha.
 - iii) Construction of pedestrian / cycleway linking site to the south along the collector road.
- 10) Stage 10
 - i) 42 residential lots
- 11) Stage 11
 - i) 28 residential lots

Essential infrastructure, including roads, shall be constructed as specified in the staging listed above.

A3 Project in Accordance with Plans

The project shall be undertaken generally in accordance with the following drawings:

Project and Engineering Drawings prepared by Auspacific Engineers			
Drawing No.	Revision	Name of Plan	Date
P1	F	Preliminary Lot Layout	February 2009
P3	C	Bulk Earthworks and Noise Attenuation Barriers	December 2008
P3/1	A	Typical Noise Attenuation Barrier Sections	17 April 2008
P4	A	Roadworks Typical Sections	April 2008
P5	C	Stormwater Drainage and Catchment Plan	April 2008
P6	B	Stormwater Outlets and Swale Sections	September 2007
P7	A	Conventional Sewerage Reticulation Concept Plan	April 2008
P9	C	Water Reticulation Concept Plan	April 2008
Engineering Drawings prepared by Gilbert & Sutherland			
Drawing No.	Revision	Name of Plan	Date
GJ0339.5.3a		Stormwater Management Plan	30 July 2007
GJ0339.5.4		Typical Bioretention Swale Cross Section	30 July 2007
Project and Landscape Drawings prepared by ERM			
Drawing No.	Revision	Name of Plan	Date
Annex B (05025/3)		Bushfire Risk Assessment Map (Resource Design & Management)	December 2008 (12 Nov 2008)
Annex E		Staging of Open Space Dedication to Council	December 2008
Annex H – Plan 1		Active Recreation Node 1	December 2008
Annex H – Plan 2		Passive Recreation Node 2	December 2008
Annex H – Plan 3		Broad Scale Open Space Types	December 2008
Annex H – Plan 4		Vegetation Management	December 2008
Annex H – Plan 5		Streetscape (Street Tree Planting)	December 2008
Annex H – Plan 6		Path Network and Development Facilities	December 2008
Annex H – Plan 7		Landscape Concept Plan	December 2008
Annex H – Plan 8		Landscape Staging Plan (fencing details)	December 2008
Annex H – Plan 10		Permanent Fence Option 1	December 2008
Annex H – Plan 11		Temporary/Permanent Fence Options 2 & 3	December 2008
Annex K		Additional Potential Wallum Froglet Habitat	November 2008

Annex L		Engineering Details (Typical Street/Road Sections)	December 2008
Figure 3.2		Preliminary Erosion and Sediment Control Plan (in Construction Environmental Management Plan, Preferred Project Report, September 2008)	November 2006

A4 Project in Accordance with Documents

The project shall be undertaken generally in accordance with the following documents:

- 1) *Environmental Assessment Report* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated November 2007; and,
- 2) *Preferred Project Report* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated September 2008.
- 3) *Post Preferred Project Submission* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated December 2008.

A5 Inconsistency between documents

In the event of any inconsistency between:

- 1) The conditions of this approval and the Statement of Commitments in Schedule 3, the conditions of this approval prevail.
- 2) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- 3) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

A6 Certification & Staging

1) Staging of the Development

The staging of the project is to occur generally in numerical order, commencing with Stage 1. It is noted that staging may vary in timing according to market forces.

2) Construction Certificate

Prior to the commencement of subdivision works the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.

3) Subdivision Certificate

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Sections 109C(1)(d) and 109D of the Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Provision of Access to the site

B1 Access via Northern Collector Road

- 1) Access to the site shall be provided via the northern collector road (generally as identified in Moonee Development Control Plan 2004 or as otherwise agreed to by the Department) from its existing northern limit (near Tidal Crescent) to the southern boundary of the site, over Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743.
- 2) Prior to the issue of any Construction Certificate for the project the proponent shall provide to the satisfaction of Council and the Certifying Authority evidence of appropriate legal agreements being signed with landowners of Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743, as well as creation of any relevant easements or instruments on title, for the construction of the northern collector road and associated project infrastructure works, over the respective lots.

The proponent shall also provide to the satisfaction of Council and the Certifying Authority evidence of any relevant assessments and approvals required under the Act and the *Roads Act 1993* being in place to enable commencement of the construction of the northern collector road (generally as identified in Moonee Development Control Plan 2004 or as otherwise agreed to by the Department).

- 3) The funding of the road is subject to agreements with the landowners of Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743 and also subject to the provisions of Moonee Developer Contributions Plan 2008 and any agreed credits for 'works-in-kind', refer to condition **E18**.

B2 Construction Access from Pacific Highway

- 1) Temporary access to the site for construction of the project may be gained directly from the Pacific Highway. The design of the temporary access shall be to the satisfaction of the RTA. Evidence of the RTA's satisfaction shall be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- 2) The temporary access shall only be used for construction purposes in relation to the approved project and not for general access to the site, to future lots and dwellings.
- 3) Upon completion of the northern collector road (refer to conditions **B1** and **E3**) this temporary access shall be removed and the area rehabilitated to the satisfaction of Council, and within the road reserve to the satisfaction of the RTA.
- 4) The proponent is responsible for all costs associated with the approval, design and construction of the temporary access, any required traffic management measures, and the removal of the temporary access and landscaping and rehabilitation of this area.

Road Traffic Noise

B3 Road Traffic Noise – Revised Acoustic Assessment

- 1) A revised acoustic assessment prepared by an appropriately qualified acoustic consultant must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for the western and northern perimeter lots of stages 1, 2, 3 and 9 (lots 1-20, 84-96, and 474-479) of the project. This shall

demonstrate that the following noise criteria can be achieved at the most affected boundaries of the nominated allotments and specify noise mitigation measures to be implemented for inclusion with the first construction certificate for construction with the initial stage/s of the project:

- i) Day (7am – 10pm): $L_{Aeq(15hr)} 55dB(A)$.
 - ii) Night (10pm – 7am): $L_{Aeq(9hr)} 50dB(A)$.
- 2) Where the above external noise criteria would not feasibly or reasonably be met, the following internal noise criteria should be applied on affected lots for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:
- i) All habitable room other than sleeping rooms:
 - Day (7am -10pm) $L_{Aeq(15hr)} 45dB(A)$,
 - Night (10pm – 7am) $L_{Aeq(9hr)} 40dB(A)$.
 - ii) Sleeping rooms: $L_{Aeq(9hr)} 35dB(A)$.

Notes:

- i) The revised acoustic assessment is required in order to take into account the deletion of access to the Pacific Highway (refer to condition **B1**) and alternative treatment required for this area, as well as road traffic noise and mitigation measures arising from the RTA Pacific Highway upgrade project.
- ii) 'Feasible or reasonable' is defined in Schedule 1, Part C.
- iii) Internal noise criteria may be applied by means of building covenants or section 88B instruments, which will be required as part of the subdivision certificates for the affected lots.

Traffic Management

B4 Traffic & Pedestrian Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan (as it relates to that stage) shall be prepared by an RTA accredited person in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:
 - i) evidence of agreement from the RTA for any temporary construction access to and from the Pacific Highway, and compliance with their requirement for this access,
 - ii) ingress and egress of vehicles to the site,
 - iii) loading and unloading, including construction zones,
 - iv) predicted traffic volumes, types and routes, and
 - v) pedestrian and traffic management methods.
- 2) The Proponent shall submit a copy of each of the approved plans to Council.

Note: Refer to Condition **B2** in respect to provision of temporary construction access to and from the Pacific Highway.

Road Design

B5 Roads, causeways, culverts and bridges

- 1) Kerb and gutter, stormwater drainage, interallotment drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.), and paved footpaths shall be constructed along the full length of roads within the site.
- 2) All roads shall be in accordance with the relevant design requirements of Council. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for each stage of the subdivision.
- 3) The centre traffic islands along Road 1 shall be deleted to ensure that there are no restrictions on vehicular access and manoeuvring for adjacent lots, or as otherwise agreed with Council.
- 4) All roads shall be designed to provide for adequate manoeuvring areas for service vehicles, including garbage trucks.
- 5) Staging of the project and road construction shall provide for interim turning and manoeuvring areas for all vehicles, including service vehicles.
- 6) Traffic calming measures shall be provided through the site.
- 7) The design of causeways, culverts and bridges shall have regard to terrestrial and aquatic fauna movement, and may include as relevant wet and dry sides, fauna furniture, fish passage, sediment and erosion controls, turbidity, stream flow and impact on stream bed or banks.

B6 Public Car Parking

Detailed construction plans shall be prepared to the satisfaction of Council for the car parks to be provided adjacent to the Recreation Areas/Nodes 1 and 2 prior to the issue of construction certificates for the relevant stages. The carparks shall be constructed as part of road works for areas adjacent to these recreation areas.

Public Transport

B7 Bus Stops

In order to ensure that pedestrians have adequate access to public transport, bus stops are to be constructed at appropriate locations through the site, subject to prior consultation with the relevant bus operators. The details of the type, location and operation of the structures are to be submitted to Council prior to the issue of the first Construction Certificate.

Acid Sulfate Soils

B8 Acid Sulfate Soil Testing

Prior to the issue of any Construction Certificates for Stages 4 to 11 inclusive, all soils in Stages 4 to 11 which are to be excavated below the current surface level in Zone 2 areas for Acid Sulfate Soils on the site (as identified in the Environmental Assessment and in *Acid Sulfate Soil and Groundwater Management Plan, Moonee Glades Residential Development, Moonee Beach*, prepared by Gilbert & Sutherland, August 2008) shall be tested for the presence of Acid Sulfate Soils.

B9 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for each stage of the project where Acid Sulfate Soils or Potential Acid Sulfate Soils have been identified, shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines*

(Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for that stage of the project.

Subdivision Works

B10 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the project, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for each stage of the project. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

The final design plans shall be generally in accordance with the stormwater drainage concept plans prepared by Auspacific Engineers, refer to condition A3.

Monitoring

B11 Stormwater Monitoring Plan

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design, prior to the issue of the Construction Certificate for the first stage of the project, a Stormwater Monitoring Plan (generally in accordance with the *Stormwater Infrastructure Maintenance Management Plan* prepared by Gilbert and Sutherland, May 2008) shall be approved by the Certifying Authority and shall be submitted to Council with any application under section 68 of the *Local Government Act 1993* to carry out stormwater drainage works.

Construction Management

B12 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, a Construction Management Plan (as it relates to that stage) shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) contact details of site manager;
 - iii) traffic and pedestrian management;
 - iv) noise and vibration management;
 - v) construction waste management;
 - vi) dust management;
 - vii) erosion and sediment control;
 - viii) flora and fauna management, and
- 2) All cut and fill areas are to be topsoiled and seeded immediately after completion to protect the exposed areas from water and wind erosion. The earthwork staging details are to be shown on the Construction Certificate.
- 3) Erosion and sediment controls and management strategies shall be certified by a qualified Environmental or Engineering consultant in accordance with the Landcom publication "Managing Stormwater, Soils and Construction" 2004 (the 'Blue Book').

Landscaping and Open Space Management

B13 Detailed Landscape Plans

Prior to the issue of Construction Certificates for each stage, detailed landscape plans are to be submitted to the satisfaction of the Certifying Authority and a copy provided to Council, for those areas of the site associated with that stage which are to be dedicated as open space and are identified as Open Space Category 2 'Residential and Recreation Areas' and Open Space Category 3 'Environmental Scenic Highway Buffer' (as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008). The plans shall include, but not be limited to the following:

- i) Existing features, including north point, access roads and location of trees to be retained or removed on site, to scale and identified by botanical and common names.
- ii) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- iii) Proposed and existing site services, including but not limited to water, gas, electricity, sewer, and stormwater and any easements on or adjacent to the site.
- iv) Details of pedestrian access, circulation areas, and facilities within and around the project, including seating within recreation areas and along major pedestrian paths/routes.
- v) Details of fences, gates, decorative features, retaining or noise walls/acoustic fences, and fencing (type and height) for the rear or western boundaries of Lots 1 to 19, adjacent to the Pacific Highway frontage.

Note: Any noise walls or acoustic fences are to be constructed in low maintenance materials such as concrete or 'Hebel' panels (not timber) and be in a suitable colour to blend with the landscaping.

- vi) Landscape treatment for the site frontage to the Pacific Highway.
- vii) Construction details of paving, edging, fencing, screening, panels and other hard landscape components.
- viii) Details of installation of bollards to protect open space areas from unauthorised vehicle access. Maintenance vehicle access shall be provided.
- ix) Details of stabilisation measures including topsoiling, seeding and planting for disturbed areas resulting from site earthworks, cutting and filling.
- x) Details of landscaped planting associated with the areas zoned Environmental Protection 7B 'Scenic Buffer Zone' and including any noise attenuation barriers or acoustic mounds, which shall be planted with endemic species.
- xi) A detailed plant schedule and plans at an appropriate scale (1:100 to 1:250 for detailed plans and up to 1:500 for whole of site plans) indicating the location of all proposed planting and any existing vegetation to be retained on the site. The plant schedule shall include;
 - a) species listed by botanical and common names, with the majority of plants constituting local native species;
 - b) specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
 - c) maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance

schedule for a minimum period of one year after completion of landscaping on site.

B14 Street Tree Plan

Prior to the issue of a Construction Certificate for each stage, a Street Tree Planting Plan shall be prepared by a qualified landscape architect or professional landscape consultant to the satisfaction of the Certifying Authority and in accordance with the requirements of Council and Council's "Street Tree Master Plan" and a copy provided to Council.

B15 Vegetation Management Plan

- 1) Vegetation Management Plans (VMPs) are to be prepared to the satisfaction of the Certifying Authority for those areas of the site to be dedicated as open space identified as Open Space Category 1 'Natural Areas' (as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008). VMPs may be prepared for those areas on a stage by stage basis or as one Plan and are to be submitted to Council prior to the issue of any Construction Certificate for the particular stage. Where a number of VMPs are to be prepared such VMPs must be prepared to a standard template.
- 2) The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR). The VMP is to be in accordance with the guideline: "How to Prepare a Vegetation Management Plan – Version 4" (former Department of Natural Resources, undated).
- 3) The VMP shall also include but not be limited to the following matters:
 - i) A locality plan identifying the property, a colour aerial photo of the property, a site plan showing proposed subdivision, contours, creeks, proposed APZ's on land to be dedicated to Council.
 - ii) Identification and mapping of all native vegetation, including abundance codes and outline the methodology for ongoing management of all native vegetation, detailing the Initial and Follow Up Maintenance works required.
 - iii) Identification and mapping of all noxious and environmental weeds as listed on Council's web site, including abundance codes and outline the methodology of removal and ongoing management of all such listed weeds, detailing the Initial and Follow Up Maintenance works required.
 - iv) Detail of revegetation and compensation (koala feed trees, riparian and wetland species) treatment including cross sections, use local provenance plant species, densities, quantities, and protection of retained vegetation.
 - v) Rehabilitation works and longer term habitat management and maintenance measures to create and manage Wallum froglet habitat areas including additional potential Wallum froglet foraging and dispersal habitat (as shown in plan prepared by ERM 'Additional Potential Wallum Froglet Habitat' December 2008).
 - vi) Riparian and stream rehabilitation requirements of the Department of Water & Energy.
 - vii) Identification and detail of fire and drought refuge areas along the creeks; retention and rehabilitation of wildlife corridors; wildlife crossings; and related traffic calming and speed control devices.

- ix) Detail of exclusion fencing arrangements to provide barriers (where required) to koala movement, as well as detail of koala warning signage and street lighting arrangements for early detection of koalas in movement corridors/roadways.
- x) Compensatory koala habitat revegetation is to be provided on site for secondary koala habitat to be removed from the site, in accordance with Council's Koala Plan of Management and at a ratio no less than 1:5 for Secondary Koala Habitat, and/or 1:10 for Secondary Koala Habitat and Endangered Ecological Communities.
- ix) Maintenance, monitoring and reporting schedule.
- x) Information regarding the timing of the works.

Bushfire Management

B16 Asset Protection Zones

Asset Protection Zones (APZs) are to be provided in accordance with the Bushfire Risk Assessment Map (Drawing No.05025/3) by Resource Design and Management, dated 12 November 2008. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for each stage of the project.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Surrender of Existing Consent

C1 *Surrender of Existing Consent*

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this approval, the proponent shall surrender development consent 257/1993 (issued by Council on 22 June 1994 for a community title subdivision), subject to and in accordance with the Regulation, prior to the commencement of works. A copy of the notice of surrender shall be sent to the Department.

Notification Requirements

C2 *Notice to be Given Prior to Commencement / Excavation*

- 1) The Principal Certifying Authority shall give the Department and Council written notice at least 48 hours prior to the commencement of excavation, and subdivision works on the site for each stage of the project.
- 2) The Principal Certifying Authority shall give a minimum of 48 hours notice to the Proponent of any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Sections 75S and 81A of the Act.

C3 *Source of Material for Filling of the Site*

Once the Construction Certificate has been issued for each stage of the subdivision, any change in the source of fill (that is fill not sourced from the site) must be notified to the Certifying Authority and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

Pollution Control

C4 *Erosion and Sediment Control*

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

Services

C5 *Existing Services*

The proponent shall locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the project. Prior to the start of any works the Principal Certifying Authority shall ensure there shall be no conflict between the project and existing infrastructure.

Contact Details

C6 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Waste Material

C7 Movement of Trucks Transporting Waste Material

The proponent shall notify the RTA's Traffic Management Centre of the truck route(s) to be followed by trucks transporting any waste material from the site, prior to the commencement of the removal of any waste material from the site for each stage of the project.

Heritage

C8 Aboriginal Cultural Heritage - Artefact Sites

- 1) A semi-permanent high visibility fence shall be built at least 10 metres from the known boundary of Site 2 (areas of remnant vegetation which are not to be disturbed), Site 3, Site 4, Site 6 and Site 7 (as identified in Table 3.2 of the Aboriginal Cultural Heritage Assessment by ERM dated October 2007) prior to commencement of any work on the site, in order to protect these sites from any inadvertent harm by workers developing the site. The fence shall be built under the supervision of a qualified archaeologist and representatives of the local Aboriginal community (Including representative/s of the Local Aboriginal Land Council/s). The fence is to be kept in place for the duration of the construction period.
- 2) Employees and contractors undertaking earthworks on the site must be instructed that they are working close to a culturally sensitive area. It is possible that their works may uncover cultural material. Employees and contractors must be instructed to exercise caution when working on the site and must be instructed how to identify this cultural material and that, in the event that they do find any, they are to stop work immediately and follow the procedures set out in Condition **D14** of this approval.

Notes:

- i) Any modifications to the project that may be required arising from findings of any additional archaeological ground surveys may require further approval of the Minister.
- iii) Under section 75U of the Act authorisations being a permit under section 87 or consent under section 90 of the *National Parks and Wildlife Act 1974*, related to additional archaeological surveys, are not required for an approved project.

Vegetation and Tree Clearing

C9 Procedures prior to Vegetation and Tree Clearing

- 1) Prior to commencement of tree removal, a search for the presence of Koalas, and chance occurrence of any other native faunal species is required prior to any clearing of vegetation. This search should include upper canopy, midstorey and or understorey resources. Pre-clearing searches and subsequent clearing shall include the following procedures:
 - i) All hollows should be searched, preferably by spotlighting in the evening prior to commencement.

- ii) All checks shall be to a minimum distance of 50m immediately adjacent to the proposed clearing area.
 - iii) Surveys for Koalas are required within a three metre radius from the base of any listed food trees/resources.
 - iv) If any animal is located, the tree and any within a 50m radius must not be removed until the animal has moved on under its own accord or an arrangement has been made with the Department of Environment & Climate Change to relocate the fauna in question.
 - v) All unplanned or accidental injuries shall be reported to WIRES immediately. Koalas should be secured by covering with a towel or blanket and then secured in a bin or box with existing air holes.
- 2) A qualified Ecological consultant is to be present on site during any identified vegetation clearance. Their role is to monitor works in sensitive areas, offer advice during the clearance process and be present to supervise recovery procedures in case of accidental harm to wildlife.

Riparian Buffers

C10 Fencing of riparian buffer zones, habitat areas and corridors.

Prior to commencement of any works on the site permanent and temporary fencing shall be erected to the perimeters of the riparian buffer zones, habitat areas and corridors for that relevant stage (in particular Open Space Category 1 'Natural Areas' as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008), generally as provided for in the Landscape Staging Plan Annex H Plan 8 prepared by ERM, dated December 2008.

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating 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 the Department, Council or the Principal Certifying Authority.

D2 Site Notice

A site notice(s) shall be prominently displayed at the Pacific Highway boundary of the site for the purposes of informing the public of project details including, but not limited to:

- 1) Details of the Contractor, Principal Certifying Authority and Site Superintendent, or equivalent, for all stages of the project;
- 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 for construction/noise complaints are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

D3 Protection of Trees and Vegetation – On Site

- 1) All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary, during construction of any stage of the subdivision.
- 2) Removal of noxious, environmental and significant weeds within vegetation regeneration areas (Open Space Category 1 'Natural Areas' as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) is to have no impact on retained significant native vegetation.
- 3) Retained trees and vegetation are to be protected from collateral damage during the clearing process through directional felling of trees and restriction of heavy machinery access within the critical root zones.
- 4) Where vegetative reproducing exotic species are present, any debris falling into stream/creek as a result of subsequent clearing practices should be removed immediately without impact on stream bank or adjacent vegetation.

D4 Dust Control Measures

The project shall be carried out in a manner that minimises or prevents the emission of dust from the site, including wind blown and traffic generated dust. This shall include all vehicles carrying soil, spoil or rubble, entering and leaving the site, being covered at all times except during loading and unloading.

Site Maintenance

D5 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented, managed 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 disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

No clearing or stripping works shall be undertaken on the site until the erosion and sediment control measures are implemented.

A qualified Environmental or Engineering Consultant shall ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

D6 Filling of the Site

- 1) All residential allotments shall be filled to a minimum of the design flood level plus minimum 600mm freeboard, with minimum fill levels of RL 4.75mAHD in accordance with the approved plans.
- 2) Fill platforms must be set at a minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with AusPacific Engineers advice dated 4 April 2008. Finished levels must be to the satisfaction of Council.
- 3) Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.
- 4) During filling operations,
 - i) No fill is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - ii) All fill and cut batters shall be contained wholly within the site.
 - iii) All topsoil to be re-spread and the site to be grassed and landscaped, including battered areas.

Monitoring

D7 Monitoring of Stormwater Management System

- 1) The stormwater drainage system shall be monitored in accordance with the approved Stormwater Monitoring Plan throughout construction of each stage of the subdivision to demonstrate that it satisfactorily complies with the intended design. Amendments to the system may be required to ensure compliance.
- 2) Monitoring shall continue post-construction for each stage of one year or until dedication occurs whichever is the later.

Noise and Vibration

D8 Hours of Work

The hours of construction for all stages of the project, including the delivery of materials to and from the site, shall be restricted as follows:

- 1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- 2) between 8:00 am and 1:00 pm, Saturdays;

- 3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- 4) the delivery of materials is required outside these hours by the Police or other authorities;
- 5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- 6) the work is approved through the Construction Management Plan; and
- 7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D9 Construction Noise Objective

- 1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D10 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the subdivision must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

D11 Use of Crushing Plant Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not permitted on the site without separate further approvals being obtained under the Act.

Heritage

D12 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment may be required before further works can continue in that area.

D13 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- 1) In the event that future works during any stage of the project disturb Aboriginal artefacts or relics, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be

identified by an independent and appropriately qualified archaeological consultant. The Department of Environment and Climate Change, Coffs Harbour, the Coffs Harbour Local Aboriginal Land Council (LALC), the Yarrawarra Aboriginal Corporation and the Garby Elders must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change.

- 2) A surface collection of artefacts must be undertaken by representatives of the Aboriginal community and an archaeologist in Site 1, the portion of Site 2 to be disturbed and Site 5 (as identified in Table 3.2 of the Aboriginal Cultural Heritage Assessment by ERM dated October 2007).

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Subdivision Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a subdivision certificate shall be obtained for each stage of the project.

E2 Civil and Infrastructure Works

- 1) All civil works approved with the Construction Certificate are to be completed to the satisfaction of Certifying Authority prior to issue of a Subdivision Certificate for each stage of the project.
- 2) All service infrastructure works to service each stage of the project are to be completed to the satisfaction of relevant authorities.
- 3) All roads, water and sewerage mains shall be fully constructed to the boundary of the adjoining land (Lot 1 DP 1097743) in accordance with Council's Development Design and Construction Specifications.
- 4) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the project shall be repaired to the satisfaction of Council prior to the issue of a Subdivision Certificate for each stage of the subdivision.
- 5) The site shall be stabilised to Council's satisfaction, including as a minimum at least 50% grass cover or application of mulch or hydro seeding to all disturbed areas.

Collector Road & Moonee Beach Road

E3 Collector Road

Prior to the issue of a subdivision certificate for any of the lots in the project, the northern collector road from its existing northern limit (near Tidal Crescent) to the southern boundary of the site, over Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743, shall be constructed and completed to the satisfaction of Council and shall be dedicated as a public road for its full alignment from the southern boundary of the site to its connection with Moonee Beach Road, refer to conditions **B1**, **B2(3)** and **B2(4)**.

E4 Limitations on the release of lots

Should the Moonee Beach Road grade separated interchange with the Pacific Highway not be operational immediately prior to the release of the first 149 lots (or a different number of lots as otherwise agreed with or directed by the Department in consultation with the RTA), no further subdivision certificates for additional lots shall be released until a further traffic study of the intersection of Moonee Beach Road and Pacific Highway is undertaken to determine whether capacity is available to accommodate the additional traffic and whether any improvements are required to increase that capacity. Any required improvements are to be designed, approved and implemented to the satisfaction of the RTA.

Bushfire Management

E5 Asset Protection Zones

The Asset Protection Zones are to be inspected and certified for compliance by an appropriately qualified bushfire planning consultant prior to the release of the Subdivision Certificate for each relevant stage of the subdivision; the certificate is to accompany the application for the Subdivision Certificate for each relevant stage.

E6 Access

Public road access shall comply with Section 4.1.3 (1) of Planning for Bushfire Protection (2006). In this regard the following design standards for public roads are to be incorporated into the project:

- i) Roads shall be two-wheel drive, all weather roads; and,
- ii) Urban perimeter roads are two-way with a carriageway of 8 metres minimum kerb to kerb.

E7 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- 2) 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 way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
- 4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
 - i) A Restriction as to User within Lots 475 and 484-498 in Stage 9 of the subdivision, adjoining the Zone 3 vegetation to the south west of the site, allowing for the creation of a 10 metre wide Asset Protection Zone, measured from the southern boundary of these lots. This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.
 - ii) A Restriction as to User allowing for the creation and maintenance of a Bushfire Asset Protection Zone (APZ) on all affected lots (including roads and open space areas to be dedicated to Council), as shown on Drawing No.05025/3 Bushfire Risk Assessment Map, prepared by RDM, 12 November 2008. This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.
 - iii) A Restriction as to User on all allotments marked in yellow (Level 2 construction) or red (Level 3 construction) on Drawing No.05025/3 Bushfire Risk Assessment Map, prepared by RDM, 12 November 2008 requiring the construction of dwellings houses on the specified allotments to be Level 2 or Level 3 Construction Standard (AS3959).

- iv) A Restriction as to User on any allotments identified as a result of the revised acoustic assessment (refer to conditions **B3** and **E17**) requiring the imposition of the specified internal noise criteria.
 - v) A Restriction as to User that no cats shall be permitted to be kept within the site.
 - vi) A Restriction as to User to enforce adopted design guidelines for the site, generally as set out in the Draft Design Guidelines, Annexure S of the Environmental Assessment.
- 5) The restrictions are to be clearly marked on the plan/s of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Services

E8 Utilities –Telephone and Electricity Services

- 1) Prior to issue of the Subdivision Certificate for each stage of the project, the relevant stage is to be connected to all available services (water, electricity and telephone) Such connections, and any extension of services required to the project, are to be carried out at full cost to the proponent.
- 2) The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply must be submitted prior to issue of a Subdivision Certificate for each stage of the subdivision.
- 3) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity has been completed prior to issue of a Subdivision Certificate for each stage of the subdivision.
- 4) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard and requirements of Country Energy.
- 5) The submission to the Certifying Authority and subsequent registration of the required right of carriageway/easement for services/restrictions-as-to-users is required.

E9 Water Supply and Sewer

- 1) Prior to issue of a Subdivision Certificate for each stage of the project reticulated water and sewerage shall be provided to all lots within that stage.
- 2) Trunk water mains are to be extended to the development from Council's existing trunk water main located on the collector road to the south of the site (not from the western side of the Highway).
- 3) Sewer shall be pumped direct to the Bucca Sewerage Treatment Plant.

E10 Work As Executed Plans

Works as executed plans are to be submitted to Council for each stage prior to the issue of a subdivision certificate for that stage, which shall be endorsed by a Registered Surveyor or a Consulting Engineer certifying that:

- i) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the project;
- ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works-as-executed plans.

Open Space / Landscaping

E11 Embellishment and Maintenance of Open Space Areas

- 1) Prior to the release of relevant Subdivision Certificate for the project, open space (as it relates to each of those stages) is to be embellished and recreation areas and facilities established and constructed consistent with the approved landscape plans and in accordance with the plan titled Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008.
- 2) The works prescribed in the approved Vegetation Management Plan (VMP) for that relevant stage, must be completed in accordance with the VMP and certified in writing by the consultant who prepared the VMP, prior to the issue of the relevant Subdivision Certificates.
- 3) All landscaped and open space areas (Open Space Categories 1, 2 and 3 as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) to be dedicated to Council including open space areas along road reserves are to be managed and maintained for a minimum 5 years from release of relevant construction certificates.

E12 Street Trees

- 1) Street tree planting shall be carried out to Council's satisfaction in each stage of the project, prior to the issue of the Subdivision Certificate for each stage.
- 2) The plantings are to be maintained for twelve months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A \$370 bond per tree is to be paid to Council prior to the issue of the relevant Subdivision Certificate. The bond will be returned at the end of the twelve months maintenance period provided plantings have established successfully. At the end of the maintenance period Council will replace plantings that have failed at a cost per tree taken from the bond.
- 3) Works-as-executed plans shall be provided to Council in Digital CAD or Arcview format prior to issue of the relevant Subdivision Certificate.

E13 Public Reserve Signage

Interpretive or educational signage of the environmental and cultural values of the public reserves, in particular the areas of Wallum Froglet habitat, shall be provided prior to release of the final Subdivision Certificate, to the satisfaction of the Certifying Authority.

Dedication of Land

E14 Dedication of Open Space

- 1) The proponent shall make necessary arrangements for the dedication of the open space areas to Council prior to release of the relevant Subdivision Certificate in accordance with the plan titled Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008.
- 2) Prior to the issue of the first Subdivision Certificate for the project, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works, as required under condition E11, on the open space areas in each stage of the project, during five years following release of construction certificates of each stage.

- 3) All open space and public reserve areas shall be dedicated at no cost to Council, other than any land that may be subject to the acquisition provisions of clause 20 *Coffs Harbour Local Environmental Plan 2000*.

Note: Clause 20 *Coffs Harbour Local Environmental Plan 2000* applies to land zoned Open Space 6A 'Public Recreation Zone' on the site.

E15 Dedication of Internal Roads

All internal roads shall be constructed by the proponent in accordance with the staging of the project and dedicated to Council as public roads.

Siteworks

E16 Fill Contour Plan

Prior to the release of a Subdivision Certificate for the first stage of the project to be released a final contour plan shall be submitted to Council showing the location, depth and type of fill located on the site. This shall include fill platforms of minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with AusPacific Engineers advice dated 4 April 2008.

Road Traffic Noise

E17 Verification of noise mitigation measures

Prior to the release of the relevant Subdivision Certificate a report prepared by an appropriately qualified acoustic consultant shall be submitted to verify and certify that implemented noise mitigation measures have been constructed in accordance with the recommendations of the revised acoustic report, condition **B3**.

Monetary Contributions

E18 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, a contribution to Council pursuant to Section 94 of the Act and Council's Moonee Developer Contributions Plan 2008, being as follows:

Amount of Contributions

Moonee Developer Contributions Plan 2008			
Facility	No of Lots	\$ per Lot	Sub-Total
District Open Space	522	4,809.47	2,510,543.34
Neighbourhood Open Space	522	1,192.85	622,667.70
Transport and Traffic, subject to 'works-in-kind', refer to point (4) below.	522	9,711.86	5,069,590.92
Moonee Local Roads contribution subject to 'works-in-kind', refer to point (4) below.	522	4,299.65	2,207,877.30
Stormwater Management	522	30.09	15,706.98
Community Facilities	522	717.77	374,675.94

Urban Planning	522	129.12	67,400.64
Coffs Harbour Regional, District and Neighbourhood Facilities and Services Developer Contributions Plan 2008			
Facility	No of Lots	\$ per Lot	Sub-Total
Co-ordination and Administration	522	333.93	174,311.46
Regional Open Space	522	920.62	480,563.64
Beach Protection Works	522	223.01	116,411.22
Library resources	522	253.59	132,373.98
Surf Rescue Equipment Developer Contributions Plan 2008			
Facility	No of Lots	\$ per Lots	Sub-Total
Surf Rescue Equipment	522	93.62	48,869.64
Coffs Harbour Road Network Developer Contributions Plan 2008			
Facility	No of Lots	\$ per Lot	Sub-Total
Coffs Harbour Road Network	522	804.83	420,121.26
TOTAL CONTRIBUTIONS PAYABLE			\$12,241,114.02
Stage 1 - 60 Lots			
			1,407,024.60
Stage 2 - 40 Lots			
			938,016.40
Stage 3 - 47 Lots			
			1,102,169.27
Stage 4 - 47 Lots			
			1,102,169.27
Stage 5 - 51 Lots			
			1,195,970.91
Stage 6 - 61 Lots			
			1,430,475.01
Stage 7 - 48 Lots			
			1,125,619.68
Stage 8 - 48 Lots			
			1,125,619.68
Stage 9 - 50 Lots			
			1,172,520.50
Stage 10 - 42 Lots			
			984,917.22
Stage 11 - 28 Lots			
			656,611.48
Total			\$12,241,114.02

- 2) The contribution shall be paid in the form of cash or bank cheque, made out to Coffs Harbour City Council, except as agreed with Council in relation to any credits for 'works in kind', as specified below. For accounting purposes, the contribution may require separate payment for each of the categories specified in the Contributions Plan and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

- 3) Contributions for Neighbourhood Open Space can comprise in part 'works-in-kind' for the construction of two recreation nodes within the site, refer to conditions **A2** and **B13**. Recreation Node No 1 is to be constructed prior to the release of the subdivision certificate for Stage 3. Recreation Node 2 is to be constructed prior to the release of the subdivision certificate for Stage 7. The value of works to be undertaken and the balance of monetary contributions shall be at least equal to the Neighbourhood Open Space contributions assessed, and adjusted, in accordance with the plan.
- 4) Contributions for the Transport and Traffic and Moonee Local Roads components of the Contributions Plan shall be paid to a total combined rate of \$13,941.51 per lot, combined total amount of \$7,277,468.22 for the estate, as adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. These contributions can comprise in part 'works-in-kind' for the construction of the collector road (refer to condition **B1**) and in part a monetary contribution for the balance of the total contributions owing, following 'works-in-kind'. The value of 'works-in-kind' to be undertaken plus the monetary contributions shall be at least equal to the Transport and Traffic and the Moonee Local Roads contributions as assessed, and adjusted, in accordance with the plan.

Note: The collector road is to be completed to the satisfaction of Council prior to the issue of any subdivision certificates, in accordance with condition E3.

- 5) The contribution rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.
- 6) Contribution calculations recognise the two existing lots and have therefore only been imposed on the additional 522 lots. The existing lot entitlements have been recognised in Stage 1 of the development.
- 7) 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.

E19 Section 64 Monetary Contributions

- 1) Contributions Plans relevant to the project include:
 - Wastewater Treatment and Carrier System Development Servicing Plan 2008 – Interim - 24 April 2008.
 - Water Supply Development Servicing Plan 2008 – Interim - 24 April 2008.
- 2) Prior to endorsement of a Subdivision Certificate for each stage of the project, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993*.

STAGES	Wastewater Treatment and Carrier System DSP 2008		Water Supply DSP 2008	
	Calculation \$	Total \$	Calculation \$	Total \$
Stage 1	4,607.61 x 62	285,671.82	6,747.30 x 62	418,332.60
Stage 2	4,607.61 x 40	184,304.40	6,747.30 x 40	269,892.00
Stage 3	4,607.61 x 47	216,557.67	6,747.30 x 47	317,123.10
Stage 4	4,607.61 x 47	216,557.67	6,747.30 x 47	317,123.10
Stage 5	4,607.61 x 51	234,988.11	6,747.30 x 51	344,112.30
Stage 6	4,607.61 x 61	281,064.21	6,747.30 x 61	411,585.30
Stage 7	4,607.61 x 48	221,165.28	6,747.30 x 48	323,870.40
Stage 8	4,607.61 x 48	221,165.28	6,747.30 x 48	323,870.40
Stage 9	4,607.61 x 50	230,380.50	6,747.30 x 50	337,365.00
Stage 10	4,607.61 x 42	193,519.62	6,747.30 x 42	283,386.60
Stage 11	4,607.61 x 28	129,013.08	6,747.30 x 28	188,924.40
TOTAL		2,414,387.64		3,535,585.20

- 3) The contributions are reviewed from time to time and are also subject to quarterly adjustment in accordance with the Consumer Price Index for Sydney (All Groups).
- 4) 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.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

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

- 1) the certifying authority before release of the Construction Certificate,
- 2) the approval authority before the release of the Subdivision Certificate, and
- 3) the Principal Certifying Authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of relevant companies and authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- 1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- 2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Stormwater drainage works or effluent systems

A Construction Certificate for works that involve any of the following:

- 1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- 2) management of waste.

as defined by Section 68 of the *Local Government Act, 1993* will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN5 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* may be required from the Council for the erection of the temporary structures. The application, if required, must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN6 Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN7 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult the Commonwealth Department of the Environment, Water, Heritage and the Arts to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3

MP 06_0143

524 LOT RESIDENTIAL SUBDIVISION

GLADES ESTATE, PACIFIC HIGHWAY, MOONEE BEACH

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

Item Number	Item	Commitment	Responsibility	Timing
24	Earthworks	<p>As documented in Council's letter dated 23 June 2008 (see <i>Annex W</i>), there may be some scope to offset some contributions against other contributions within the Moonee Area Contributions Plan to ensure that practical outcomes are achieved for the community.</p> <p>The following measures will be employed to minimise potential environmental impacts associated with the proposed earthworks:</p> <ul style="list-style-type: none"> • proposed earthworks will be carried out strictly in accordance with the Bulk Earth Works Plan, the CEMP and the Stormwater Management Plan; • prior to commencement of construction, a detailed erosion and sediment control Plan (ESCP) will be prepared and all management measures outlined in the ESCP will be implemented and maintained prior to and during construction activities; • any material, other than topsoil, to be cut from the zone 2 alluvial material in the lower lying parts of the site will be tested and if necessary treated, given its potential for sulphidic acidification; • in the event of ASS being encountered this material will be handled in accordance with the requirements set out in the approved ASS management plan; • earthworks will be carried out under the control of a suitably qualified geotechnical engineer and certified to Level 1 construction monitoring and testing as defined in "AS 3798-1996 Guidelines for Earthworks for Commercial and Residential Developments"; • all bulk earthworks will be undertaken during the first stage of the development, minimising the need for stockpiling on-site and the potential impact on future residents of the estate; and • all disturbed areas will be stabilised upon completion of earthworks. 	Proponent	For the duration of the construction of the subdivision.

Table 4.1 Revised Statement of Commitments

Item Number	Item	Commitment	Responsibility	Timing
1	Scope of Development	<p>The development will be carried out in accordance with the plans and documentation mentioned below, except where amended by the Department of Planning's conditions of approval:</p> <ul style="list-style-type: none"> the Environmental Assessment prepared by ERM (November, 2007) and accompanying specialist reports; and the Preferred Project report prepared by ERM (September, 2008) which contains the revised Statement of Commitments. 	Proponent	Ongoing.
2	Statutory Requirements	<p>All necessary licences, permits and approvals will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> Construction Certificates for engineering works (including earthworks, soil and water management, roadworks, drainage, landscaping) for each stage of the subdivision; Subdivision Certificates for each stage of the subdivision; Section 138 Consent for roadworks (Roads Act 1993); Electricity Compliance certificate from Country Energy; Telstra Compliance Certificate; and Water Compliance Certificate from Coffs Harbour City Council. 	Proponent	For the duration of the construction of the subdivision.
3		<p>In accordance with section 104A of the EP&A Act, the proponent will surrender the Development Consent issued by Coffs Harbour City Council in 1994, for a 10 lot community title subdivision.</p>	Proponent	Prior to commencement of works.
4	Subdivision Design and Layout	<p>The proponent will establish and construct all recreation facilities identified in the Landscape Concept Plan and Open Space Management Plan. Ultimately all recreation amenities will become public facilities once the development stages of the project are complete. All areas of open space and any recreation facilities will be maintained by the proponent for a period of two years after the dedication of the land to Council, after which time all maintenance will be Council's responsibility. The staged dedication of</p>	Proponent	Maintenance responsibility will transfer to Council two years after dedication of open space areas to Council.

Item Number	Item	Commitment	Responsibility	Timing
5	Construction	<p>open space areas will take place upon registration of the subdivision plan for each stage of the estate.</p> <p>Prior to the commencement of works on the site, the proponent will submit to Council an updated Construction Environmental Management Plan (CEMP) for approval. The CEMP will address the following:</p> <ul style="list-style-type: none"> • a description of the work program outlining relevant timeframes for activities; • traffic management, including measures to be taken at the interim seagull intersection on the Pacific Highway; • a description of the roles and responsibilities for all relevant employees involved in the construction phase; • the minimisation of rubbish and debris at the site from development activities during the construction phase; • erosion and sediment control during construction; • details of environmental management procedures, monitoring and reporting requirements during construction and operation phase; • details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders; and • an education strategy of construction contractors. 	Proponent	Prior to commencement of works.
6		<p>Construction work will be confined to 7.00 am to 6.00 pm Monday to Fridays and 7.00 am to 4.00 pm on Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.</p>	Proponent and contractors	For the duration of the construction of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
7	Flora and Fauna	<p>The following mitigation and management measures will be implemented to minimise impacts on flora, fauna and threatened species:</p> <ul style="list-style-type: none"> • clearing activities will be restricted to only those areas nominated on construction plans; • vehicle movements within uncleared areas will be restricted; • vegetation removed during construction is to be mulched for use on site; • weed control will be undertaken during construction as required to ensure there is no spread of weeds on or off site; • mature eucalypts and mature <i>Melaleuca sieberi</i> will be retained where possible within the development area, particularly within parks and landscaping areas. These trees are to be clearly identified and flagged prior to commencement of works; • areas of known environmental weed species occurrence should be avoided during construction activities where possible; • landscape and fill materials are to be sourced from a supplier where cane toads do not occur; • fill material is to be inert material to reduce the risk of pH change within the potential Wallum froglet foraging habitat; • areas of native vegetation around the potential Wallum froglet foraging habitat are to be retained and protected; • mature habitat trees are to be retained where possible; • any injured wildlife will be reported to WIRES or similar organisation immediately for rescue; • a qualified fauna handler should be on site when clearing of trees occurs; • maintain a 100 metre buffer around the Osprey nest in the south east corner of the site; • planting of suitable feed trees (<i>Allocasuarina littoralis</i>, <i>A. torulosa</i>) around retained vegetated areas of the site for Glossy black cockatoos utilising the site; 	Proponent and contractors	For the duration of the construction of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
		<ul style="list-style-type: none"> • landscape plantings are to include a majority of native species that will provide habitat for nectarivorous and frugivorous birds and bats; • landscape plantings are to be situated where possible to reduce the amount of disturbance to retained areas of habitat. All landscaping works will be undertaken in accordance with the Landscape Concept Plan and Open Space Management Plan; • koala habitat trees are to be planted in the north-west corner of the site and outside of the development envelope for any koala habitat trees removed; • use of preferred koala trees in landscaping where suitable; • installation of lighting and koala exclusion fencing where appropriate in roadways adjacent to koala habitat; • retain tree species listed within the KPoM for Secondary Koala Habitat; • installation of koala warning signs long roads within the development area, particularly in the north-west corner of the site adjacent to Skinners Creek where mature Tallowwood occur; • a 40km/hr speed limit is to be imposed on internal access roads; and • installation and maintenance of erosion and sediment control measures prior to and during construction to minimise impacts on water quality in the potential Wallum froglet foraging habitat. 	Proponent and contractors	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.
8	Proposed conservation areas and Moonee Creek / Estuary Buffer zones	<p>The Landscape Concept Plan and Open Space Management Plan sets out a vegetation management plan and program of management for all open space areas within the development, including proposed conservation areas and the Moonee Creek/Estuary Buffer zones.</p> <p>Landscape works will be undertaken in stages to coincide with the staged release of residential lots, as shown on the staging plan. Stage 1 will involve the development and management of natural areas. These areas will undergo bush regeneration and weed suppression activities. Management actions will include the following:</p> <ul style="list-style-type: none"> • installation of permanent farm style fencing as shown on the staging plan; • installation of gates and bollards where access is desired; 	Proponent and contractors	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
9	Water cycle management impact on watercourses, including Moonee Creek and estuary	<ul style="list-style-type: none"> • installation of temporary fencing to minimise disturbance to these areas during construction; • plant rehabilitation and weed suppression to begin as soon as fencing is in place; • removal of any unnecessary existing fencing that may hinder plant rehabilitation or future pedestrian movement through the site; • interpretative signs to be installed at pedestrian entry points to the creek buffer areas once occupancy occurs; and • efficiency of bush regeneration to be monitored and if necessary, chicken wire to be placed on fencing to stop grazing by swamp wallabies. <p>Bush regeneration and vegetation management within these conservation areas will have a management regime during civil construction and for a period of two years following dedication of these lands to Council.</p>	Proponent	Prior to the release of the Subdivision Certificates for the respective stages of the subdivision.
10	Erosion and Sediment Control	<p>The following stormwater treatment measures will be implemented in accordance with the SWMP to ensure that pollutants leaving the site are minimised:</p> <ul style="list-style-type: none"> • runoff from all catchments will be directed through bioretention swales that have been designed to treat flows up to and including those with a three month Average Recurrence Interval (ARI). These swales will be designed to overflow along their full length; and • flows up to and greater than three months ARI will overtop the bioretention swales and pass through vegetated filter zones prior to being released into natural drainage lines. <p>Prior to the commencement of works the proponent will submit a detailed erosion and sediment control plan (ESCP) based on the requirements of the Stormwater Management Plan (Gilbert and Sutherland, 2007) and <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) (Blue Book). The ESCP will address:</p> <ul style="list-style-type: none"> • site layout, including access, soil stockpile locations and building material stockpiles; 	Proponent	Prior to release of the Construction Certificates for the respective stages of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
11	Bushfire Risk Management	<ul style="list-style-type: none"> • proposed disturbed and undisturbed areas throughout construction; • erosion and sediment control measures proposed, which may include clean water diversion, sediment fences, straw bales, sand bags, sediment traps, erosion mats and blankets, check dams, surface mulching, vegetation plantings, turf filter strips and surface roughening; and • proposed maintenance and monitoring program to be implemented to ensure erosion and sediment controls are appropriately implemented for the duration required. <p>The following measures will be implemented to provide adequate bushfire protection within the development:</p> <ul style="list-style-type: none"> • the proponent will establish Asset Protection Zones (APZs) in accordance with the Bushfire Assessment Risk Map prepared by RDM (RDM, 2008); • APZs will be maintained to ensure that: <ul style="list-style-type: none"> • fuel loads are kept to a minimum through under scrubbing and ongoing maintenance works; • trees and shrubs are maintained such that vegetation is not continuous; and • ground cover/fuel does not exceed 10 centimetres in height. 	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.
12	Traffic Management and Access	<p>Lots identified in red shading on the Bushfire Assessment Risk Map (RDM, 2008) will be subject to Level 3 Construction (AS 3959). Level 3 construction will reduce the necessary APZ to 22m in these locations. This will ensure that there is no conflict with creek buffer areas and recreational and stormwater management facilities that may be located between the development footprint and the adjacent hazard.</p>	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the development.
13	Traffic Management and Access	<p>The proponent will provide vehicle access to the site by way of a new temporary un-signalised intersection on the Pacific Highway. The intersection will be a priority-controlled AUSTRROADS Type C seagull intersection, constructed to the satisfaction of the RTA.</p>	Proponent	Prior to release of the Subdivision Certificate for Stage 1 of the development.

Item Number	Item	Commitment	Responsibility	Timing
14		The proponent will facilitate the commencement of the construction of the northern collector road upon the release of the Subdivision Certificate for the 200 th lot.	Proponent	Upon the release of the Subdivision Certificate for the 200 th lot.
15		The proponent will facilitate the completion of the construction of the northern collector road prior to release of the Subdivision Certificate for the 400 th lot.	Proponent	Prior to release of the Subdivision Certificate for the 400 th lot.
16		If the northern collector road is constructed after the interim Pacific Highway intersection, the proponent will decommission the interim intersection within six (6) months of the collector road being open to traffic, or at a later date nominated by the RTA.	Proponent	Interim intersection to be decommissioned within six months of the collector road being open to traffic or at a later date nominated by the RTA.
17		All internal roads will be designed and constructed in accordance with the 'Road Design and Access Control' measures outlined in the Coffs Harbour City Council Subdivision Development Control Plan.	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.
18	Noise	In order to reduce the impact of traffic noise from the Pacific Highway: <ul style="list-style-type: none"> the proponent will construct noise attenuation barriers in accordance with the recommendations of the Noise Impact Statement (I.K. Clarke & Associates, 2006) and as detailed in DWG No. 04-1600 P3/1-A prepared by Auspacific Engineers Pty Ltd; and <i>PWS add to road</i> all future dwellings which adjoin the Pacific Highway will be assessed by a qualified Acoustic Engineer. A restriction shall be placed on the title of all affected lots via an 88B instrument to this effect. 	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
19	Infrastructure Provision	<p>The following infrastructure will be provided:</p> <ul style="list-style-type: none"> • underground electricity reticulation to each residential lot to the satisfaction of Country Energy; • reticulated potable water supply to each residential lot to Council's satisfaction; • a reticulated sewer system to each residential lot to Council's satisfaction; and • satisfactory arrangements will be made with Telstra Australia for the provision of fibre optic cable to each residential lot. 	Proponent	Prior to release of the Subdivision Certificates for the respective stages of the subdivision.
20		<p>The proponent will construct a temporary water main within Council's easement adjacent to the Pacific Highway to service the proposed development in accordance with a design approved by Council (unless the northern collector road is constructed at an early date allowing the permanent water main to be installed in the northern collector road reservation).</p> <p>Once construction of the northern collector road has completed, the temporary water main will be decommissioned and replaced with a permanent water main, constructed within the northern collector road reservation in accordance with Council's water servicing strategy for Moonee Beach.</p>	Proponent	Temporary water main to be constructed prior to release of the Subdivision Certificate for Stage 1 of the development.
21	Aboriginal Cultural Heritage	<p>The following mitigation measures will be implemented to minimise any potential impacts of the development on Aboriginal cultural heritage:</p> <ul style="list-style-type: none"> • the area of remnant vegetation within Site 2 (refer to Figures 4.1 and 4.2 of the EA) will not be disturbed. During construction, this area will be protected from potential impacts by high visibility fencing and all contractors will be made aware that the area is not to be disturbed; • the area of cultural significance and the potential archaeological deposits (PADs) identified in Figure 4.2 of the EA will not be disturbed. During construction, these areas will be protected from potential impacts by high visibility fencing and all contractors will be made aware that the areas are not to be disturbed; • Aboriginal sites 3, 4, 6 and 7 identified in Figure 4.1 of the EA will not be disturbed. 	Proponent	For the duration of the construction of the subdivision.

Item Number	Item	Commitment	Responsibility	Timing
		<p>During construction, these areas will be protected from potential impacts by high visibility fencing and all contractors will be made aware that the areas are not to be disturbed;</p> <ul style="list-style-type: none"> • any activity likely to involve any level of ground disturbance (including elevated boardwalks) in the following areas will require additional archaeological assessment, including consultation with the Aboriginal community; • any area of remnant vegetation (identified in Figure 4.2 of the EA); • any area outside of the proposed development footprint (as indicated by Figure 1.8 of the EA) which has not been surveyed for this proposal; and • the area of cultural significance identified on Figure 4.2 of the EA. • representatives of the local Aboriginal community will be given an opportunity to participate in all additional archaeological ground surveys and to participate in the proposed mitigation/management measures. Aboriginal community representatives will also be given the opportunity to be present during subsurface exploratory test pitting, to halt works if significant cultural material is found and to participate in the decision making for such finds; and • a locked and secure temporary storage facility will be provided on site for the temporary storage of artefacts collected from the site. A timeframe for the temporary storage of artefacts will be provided and a program developed in consultation with the local Aboriginal community for the long term care and control of all Aboriginal Cultural material collected from the development site. 		
22	Geotechnical	<p>If necessary, further detailed geotechnical investigations, including ASS assessment in accordance with the procedure established in the ASS and Groundwater Management Plan prepared by Gilbert and Sutherland dated August 2008, will be carried out to confirm site stability and suitability prior to the commencement of construction of future stages of the development.</p>	Proponent	Prior to release of the Construction Certificates for Stages 4 - 11 of the development.

Item Number	Item	Commitment	Responsibility	Timing
23	Section 94 Contributions	<p>Section 94 developer contributions will be paid to Council, 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 prior to release of any 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 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised quarterly.</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>	Proponent	Prior to the release of the Subdivision Certificate for the respective stages of the subdivision.

Service / Facility	\$ Per Lot
- Coordination and Administration	329.04
- Coffis Harbour Road Network	793.06
- Surf Rescue Equipment	92.25
- Library Resources	249.88
- Beach Protection Works	219.75
- Regional Open Space	907.06
- District Open Space	4,739.13
- Neighbourhood Open Space	1 175.41
- Moonee Transport & Traffic	9 569.82
- Moonee Local Roads	4 167.79
- Stormwater Management	29.65
- Urban Planning	127.23
- Community Facilities	707.27

The Section 94 contribution is currently \$12 062,078.46 for the 524 lots proposed in the subdivision. This includes a 2 lot rate credit of \$46 214.86.

Item Number	Item	Commitment	Responsibility	Timing
24	Earthworks	<p>As documented in Council's letter dated 23 June 2008 (see Annex W), there may be some scope to offset some contributions against other contributions within the Mooree Area Contributions Plan to ensure that practical outcomes are achieved for the community.</p> <p>The following measures will be employed to minimise potential environmental impacts associated with the proposed earthworks:</p> <ul style="list-style-type: none"> • proposed earthworks will be carried out strictly in accordance with the Bulk Earth Works Plan, the CEMP and the Stormwater Management Plan; • prior to commencement of construction, a detailed erosion and sediment control Plan (ESCP) will be prepared and all management measures outlined in the ESCP will be implemented and maintained prior to and during construction activities; • any material, other than topsoil, to be cut from the zone 2 alluvial material in the lower lying parts of the site will be tested and if necessary treated, given its potential for sulphidic acidification; • in the event of ASS being encountered this material will be handled in accordance with the requirements set out in the approved ASS management plan; • earthworks will be carried out under the control of a suitably qualified geotechnical engineer and certified to Level 1 construction monitoring and testing as defined in "AS 3798-1996 Guidelines for Earthworks for Commercial and Residential Developments"; • all bulk earthworks will be undertaken during the first stage of the development, minimising the need for stockpiling on-site and the potential impact on future residents of the estate; and • all disturbed areas will be stabilised upon completion of earthworks. 	Proponent	For the duration of the construction of the subdivision.